



[0 836/9]!

Dominions

No. 74.

CONFIDENTIAL.

FURTHER CORRESPONDENCE

(1919 (Nos. 1, 2, and 50), 1920 and 1921)

RELATING TO THE

TREATMENT OF ASIATICS IN
THE DOMINIONS.

(In continuation of Dominions No. 70: continued by Dominions No. 85).

COLONIAL OFFICE,

March, 1923.

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V. POSITION OF INDIANS IN MANDATED TERRITORY.

Note.—The question of the position of British Indians in the Empire was discussed at the Conference of Prime Ministers and Representatives of the United Kingdom, the Dominions, and India, held in June-August, 1921. The Resolution adopted by the Conference is printed on page 8 of [Cmd. 1474].

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I—CANADA.

(a) Correspondence relating to admission into Canada of Indians and the wives and children of resident Indians.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1919		
1	India Office...	—	August 11	Submits inquiries in connexion with the minute of the Privy Council of Canada on the subject of Indian immigration enclosed in the Governor-General's despatch of 27th March, 1919, and requests that Canadian Government may be consulted on India Office suggestion regarding the issue of certificates of identity for Indians and their wives and families.	1
2	To the Governor-General	Canada 432	September 19	Communicates purport of No. 1.	2
			1920		
3	The Governor-General	945	December 31, 1919 (Rec. Jan. 14, 1920)	Transmits Privy Council Minute approving the report of the Minister of Immigration respecting Indian immigration into Canada, and agreeing that no legislative action is necessary to give effect to the Conference resolution, 1918, on this subject.	3
4	Ditto ...	47	January 26 (Rec. Feb. 9)	Suggests with reference to the immigration of East Indians, direct correspondence between the Canadian Immigration Commissioner at Vancouver, and some Canadian Government official resident in India.	5
5	Ditto ...	123	February 28 (Rec. Mar. 16)	Forwards, for transmission to the Government of India, copy of letter from the External Affairs Department giving additional instances where direct correspondence would be advantageous.	6
6	India Office...	Extract	March 20	Inquires whether immigration regulations could be amended so as to remove any barrier to entry of wives and children of Indian residents if fit; and hopes that steps will be taken to restore Canadian domicile when technically lost by absence; agrees that machinery for the issue of documents in India should provide for direct communication between Canada and India.	6
7	Ditto ...	—	April 1	Transmits despatch from Government of India suggesting a procedure for certifying the wives and children of Indians in Canada; if Canadian Government concurs in proposed procedure, individual cases might be dealt with by direct communication between Canada and India.	8
8	The Acting Governor-General	230	April 14	Transmits copies of Nos. 6 & 7.	9

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
9	The Governor-General	367	May 28 (Rec. June 7)	Transmits copy of a letter from the Department for External Affairs incorporating a statement expressing the views of the Department of Immigration regarding the admission into Canada of the wives and children of East Indians.	9
10	To India Office ...	—	June 14	Transmits copy of No. 9.	11
11	The Governor-General	Telegram	June 25 (Rec. June 26)	Inquires whether information is yet available respecting refusal of permission to sail in cases referred to in No. 5; states that Minister of Immigration asks whether Government of India can name official for direct correspondence.	11
12	India Office...	—	August 11	Transmits copy of a despatch from the Government of India respecting the procedure for direct correspondence; inquires whether there is any objection to the provisional grant of certificates in respect of wives and families of Indians previously domiciled in and now returning to Canada; states that the Government of India have been asked to report by telegraph on cases referred in No. 5.	12
13	Ditto ...	—	August 20	Transmits extract from a telegram from the Government of India recording their understanding of the agreement with the Canadian Government as regards Indians to be classed as non-immigrants, the admission of wives and children of resident Indians and the re-entry of domiciled Indians; inquires whether there is any objection to publication in India.	13
14	To the Governor-General	519	August 21	Transmits copy of No. 12.	14
15	Ditto ...	Telegram	September 1	States that telegram has been received from Government of India reporting that a misunderstanding has arisen with regard to the issue of passports to relatives of Indar Singh and Beant Singh; passports are now to be issued.	14
16	Ditto ...	541	September 8	Transmits copy of No. 13.	15
17	The Deputy Governor-General	596	September 22 (Rec. Oct. 4)	Proposes certain additional safeguards in connexion with the issue by the Indian Government of certificates of relationship.	15
18	Ditto ...	608	September 29 (Rec. Oct. 8)	Defines the attitude of the Canadian Government in regard to the question of the admission of Indians into Canada, and states that there is no objection to the publication of the statement in India.	15
1921					
19	To the Governor-General	362	July 13	Transmits copy of letter from the Government of India enclosing copy of a communication to all local Governments and administrations conveying the decisions of the Government of Canada regarding the Imperial Conference Reciprocity Resolution.	16

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
20	India Office ...	—	November 28	Inquires whether the Secretary of State has any information as to the case of Mihan Singh; the contention of the applicant appears to have been that the relevant provision of the Consolidated Immigration Act does not apply to a person with Canadian domicile who left Canada prior to 1917; desires authentic information regarding the decision of the Court.	20
21	The Governor-General	684	November 21 (Rec. Dec. 6)	Inquires the earliest date at which passports were issued by the Indian Government for returning Indian labourers, and whether in India passports are issued by a central authority or at the headquarters of various Provinces.	20
22	To the Governor-General	696	December 7	Transmits for consideration of Ministers copy of No. 20.	20

(b) Issue of salmon canning and seining licences on the Pacific Coast.

1920					
23	Indians Overseas Association	—	January 6	Protests against, and urges removal of, the recent decision to restrict the issue of salmon canning and seining licences to resident citizens of white races.	21
24	To the Governor-General	43	January 17	Transmits copy of No. 23.	21
25	The Governor-General	99	February 16 (Rec. Mar. 1)	Transmits, with reference to No. 24, copy of a letter from the External Affairs Department explaining that the new salmon fishing regulations are to some extent advantageous to the Indians.	21

(c) British Columbia legislation relating to the employment of white women in Chinese businesses.

1920					
26	Foreign Office ...	—	December 18	Transmits copy of note from the Chinese Minister protesting against the legislative discrimination exercised in British Columbia against the employment of white women by Chinese; asks that steps may be taken to meet the objections of the Chinese Minister.	22
1921					
27	To the Governor-General	7	January 3	Transmits copy of Note from Chinese Minister enclosed in No. 26.	25
28	To Foreign Office ...	—	January 4	Transmits, with reference to No. 26, copy of No. 27, and submits observations as to the policy of His Majesty's Government regarding Asiatic legislation in the Dominions.	25

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1921					
29	To Foreign Office ...	—	January 11	Refers to protest by the Chinese Minister in 1914 against the Saskatchewan Act, and states that there appears to be no record in the Colonial Office of the Foreign Office reply thereto.	26
30	Foreign Office ...	—	January 21	States, in reply to No. 29, that for reasons indicated the protest referred to has been left unanswered.	26
31	The Governor-General	175	March 17 (Rec. Apl. 2)	Transmits copy of a report from the Prime Minister of British Columbia, stating that a direct request for the repeal of the provision regarding the employment of white girls by Chinese would receive attention, but as the matter stands the decision is not likely to be reversed.	27
32	To Foreign Office ...	—	April 12	Transmits copy of No. 31, and suggests that the Chinese Minister might be informed in the sense of the last paragraph of the report enclosed therein.	28
33	Foreign Office ...	—	April 21	States, in reply to No. 32, that it is proposed not to address the Chinese Minister on the subject of legislation regarding the employment of white women by Chinese, unless he raises the question.	28

d) Chinese immigration into Canada.

1920					
34	The Governor-General	Telegram	December 14 (Rec. Dec. 15)	Urges that all British Consular Officers in China should be instructed by cable to postpone, pending the projected mission of inquiry by an officer of the Canadian Immigration Department, the practice of endorsing certificates of identity held by Chinese labourers.	28
35	To the Governor-General	Telegram	December 24	States, in reply to No. 34, that His Majesty's Minister at Peking has been asked by telegraph to issue instructions to Consuls in the sense desired.	29
1921					
36	Ditto ...	Telegram	January 27	Communicates text of telegram from Peking reporting that instructions have been issued to Consular Officers to withhold visas; but explaining that it is considered undesirable to withhold visas from Chinese students and bona-fide travellers.	29
37	The Governor-General	Telegram	February 4 (Rec. Feb. 4)	Earnestly requests that British Consuls in China withhold their visa until Canadian Immigration Department Officer, who sails on 10th February, has opportunity of consulting Consuls.	29
38	To the Governor-General	Telegram	February 11	States, in reply to No. 37, that the desired instructions are being issued to British Consuls in China, but suggests that Canadian Government should cable to Shanghai that the Canadian Immigration Department representative should proceed to Peking immediately on his arrival to discuss the question.	30

II.—AUSTRALIA.

(a) Correspondence relating to admission into Australia of wives and children of Indians domiciled in the Commonwealth.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1920					
39	The Governor-General	175	June 15 (Rec. Aug. 11)	States that procedure suggested in the Secretary of State's despatch of the 30th August, 1919, has been adopted; encloses forms which applicants will be required to complete; inquires to whom in India the applications should be forwarded, and to what local official in India applicants should apply for advice.	30
40	Ditto ...	Telegram	September 11 (Rec. Sept. 11)	Requests reply to No. 39.	31
41	To the Governor-General	382	September 18	Inquires with reference to No. 39 whether the Commonwealth Government would agree to substitute a method of procedure favoured by the Indian Government should the latter show a marked preference for it.	31
42	Ditto ...	Telegram	October 2	Sends information requested in No. 39.	31
43	Ditto ...	411	October 4	Transmits particulars of an alternative procedure recommended by the Government of India for regulating the admission of wives and children of Indians.	32
1921					
44	Ditto ...	4	January 5	States that the Government of India agrees to the adoption of the procedure for regulating the admission of Indians described in No. 39; enumerates the authorities in India with whom the Commonwealth Department should correspond; suggests that the condition requiring that a photograph of the applicant's wife should accompany the form of application might be waived.	32
45	The Governor-General	441	29 November, 1920 (Rec. Jan. 10, 1921)	States in reply to No. 41 that arrangements will be made for the substitution of the procedure preferred by the Government of India.	34
46	Ditto ...	91	March 15 (Rec. Apr. 19)	States with reference to No. 44 that Ministers will raise no objection to photographs being dispensed with in cases where the Government of India considers such a course advisable.	34
47	To India Office ...	—	April 27	Transmits copy of No. 46 and presumes that it will not be necessary to suggest another change of procedure for regulating the admission of Indians into Australia, as that now adopted by the Commonwealth Government has already been approved in the case of Canada by the Government of India.	34

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			1921		
48	India Office ...	—	May 2	Notes that the Commonwealth Government have adopted the method of procedure for the admission of wives and children of Indians originally suggested by the Government of India and agrees that it is unnecessary to suggest any change.	35
49	To the Governor-General	906	August 12	Transmits copy of a letter from the Government of India setting forth the agreed procedure for the admission into Australia of the wives and children of domiciled Indians.	35

(b) Correspondence relating to the Queensland Sugar Cultivation Act of 1913 and Banana Industry Preservation Act of 1921.

			1919		
50	To the Governor ...	Queensland 51	October 22	States that a communication has been received from the Secretary of State for India drawing attention to the refusal of the Queensland Government to grant permits to Indians to work in the sugar fields and expressing the hope that the Regulations will be administered in a generous spirit, at any rate as regards existing cultivators; inquires what is the policy of the Queensland Government in the matter.	37
			1920		
51	Ditto ...	Queensland 7	January 26	Transmits copy of a letter from the Indians Overseas Association urging the prompt repeal or modification of the Queensland Sugar Cultivation Act of 1913, and of the Regulations thereunder.	37
52	Ditto ...	Queensland 8	January 26	States that a communication has been received from the Secretary of State for India requesting that the attention of the Queensland Government may be drawn to the Regulation, under the Sugar Cultivation Act, 1913, published on the 27th November, 1913, which may deprive Indians of exemption from the dictation test, for which they might otherwise be eligible.	41
			1921		
53	The Governor ...	Queensland 31 Extract	October 4 (Rec. Nov. 28)	Transmits copy of the Queensland Banana Industry Preservation Act of 1921, and reports on the progress of the Bill through both Houses.	41
54	Ditto ...	Queensland 42	October 4 (Rec. Dec. 2)	Transmits copy of the Banana Industry Preservation Act Regulations. Observes that the Regulations do not apply to those already engaged in the industry.	42

III.—NEW ZEALAND.

(a) Admission of Chinese into New Zealand.

			1920		
55	Foreign Office ...	—	September 3	Transmits copy of a note from the Chinese Minister urging the omission of the poll tax provision from the legislation respecting Chinese immigration now before the New Zealand Parliament.	43

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			1920		
56	To the Governor-General	Telegram	September 4	Communicates request of Chinese Government that the poll tax provision shall be omitted from the Chinese Immigration Bill.	43
57	To the Administrator	187	September 8	Transmits copy of enclosure in No. 55.	44
58	The Administrator	Telegram	September 21 (Rec. Sept. 21)	States, in reply to No. 55, that poll tax on Chinese entering New Zealand has been imposed by legislation for many years and the Immigration Restriction Amendment Bill leaves the law unaltered in this respect; the clause in the former Act requiring finger print impressions is to be repealed.	44
			1921		
59	The Governor-General	187	November 18, 1920 (Rec. Jan. 6 1921)	In reply to No. 57, invites reference to No. 58, and states that the Immigration Restriction Amendment Bill has now been passed.	44

(b) New Zealand Immigration Restriction Amendment Act, 1920.

			1920		
60	India Office ...	—	October 5	Inquires whether any further information is available respecting the Immigration Restriction Amendment Bill referred to in Colonial Office letter of 3rd September, 1920.	44
61	To India Office ...	—	October 14	Transmits copy of the Immigration Restriction Amendment Bill, 1920.	45
62	The Governor-General	Telegram	(Rec. Oct. 27)	Proposes to assent to the Immigration Restriction Amendment Bill as Ministers do not advise its reservation; adds that Ministers are prepared to introduce next session any amendments which the Imperial Government may consider necessary to avoid difficulties in regard to Treaty rights.	49
63	Ditto ...	Telegram Confidential	October 27 (Rec. Oct. 27)	Summarizes the amendments to the Immigration Restriction Bill and states that the Bill has passed both Houses.	50
64	India Office ...	—	October 28	Desires to be kept informed of the progress of the Immigration Restriction Amendment Bill, and suggests that New Zealand Government be asked for further information as to its scope and purpose and that they may be invited to give an assurance that the new measure will not alter the position as regards the entry of wives and families of Indians domiciled in the Dominion; adds that the Government of India would be interested to learn the circumstances which led to proposal to substitute a test of suitability for settlement in New Zealand in place of the education test.	51

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1920					
65	To the Governor-General	Telegram	November 9	Asks for early draft of the Regulations to be issued under the Immigration Restriction Amendment Bill, and suggests that His Majesty's Government be consulted previous to the issue of any proclamations; requests an assurance that the new measure will not alter the position as regards the entry of wives and families of domiciled Indians.	51
66	To India Office ...	—	November 12	Transmits copy of Nos. 62, 63 and 65.	52
67	The Governor-General	Telegram	(Rec. Nov. 22)	States, in reply to No. 65, that it is not proposed to except any peoples or nations from the Immigration Restriction Amendment Act, that the forms of permit will define no distinction whether of nation or Colour; a copy will be submitted when the regulations are drafted, and no change of policy is contemplated as regards the entry of wives and families of Indians.	52
68	India Office ...	—	November 25	Asks for opportunity of seeing any draft of Regulations referred to in No. 65, and to be informed before the issue of any proclamation exempting nations or races from the provisions of the Act.	52
1921					
69	To Governor-General	Telegram	January 26 (Rec. Jan. 26)	Reports that it has been found necessary to issue Order in Council making regulations under the Immigration Restriction Amendment Act; indicates the main features of the several forms prescribed and rules as to prohibited classes of immigrants; states that there is no racial discrimination.	53
70	India Office ...	—	June 30	Transmits copy of despatch from the Government of India regarding the Immigration Restriction Amendment Act, 1920; inquires as to extensions of temporary permits and trusts that a temporary permit may be granted to an Indian with a passport or permit issued by the Government of India, even if application to enter has not first been sent.	53
71	To the Governor-General	132	July 12	Transmits copy of despatch from the Government of India enclosed in No. 70; asks for confirmation of the Secretary of State for India's interpretation of the sections of the Act and Regulations dealing with temporary permits; requests views on the various points raised by the Government of India.	56
72	The Governor-General	190	September 12 (Rec. Oct. 17)	Transmits copy of a memorandum by the Acting Prime Minister replying to the points raised in the despatch from the Government of India enclosed in No. 71.	56

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1921					
73	India Office ...	—	November	States that the memorandum enclosed in No. 72 is being sent to the Indian Government for their views.	58
74	To the Governor-General	224	November 15	States that a copy of No. 72 has been forwarded to the Government of India for their views.	59

IV.—UNION OF SOUTH AFRICA.

(a) Asiatic Enquiry Commission.

1920					
75	To the Governor-General	Telegram	January 10	States that deputation from India will consist of Sir B. Robertson, Mr. Sastri, Mr. Corbett and Mr. Sen; requests early information respecting terms of reference and date fixed for first meeting of the Commission.	59
76	The Governor-General	Telegram	February 3 (Rec. Feb. 6)	Gives information requested in No. 75.	59
77	Ditto ...	Telegram	February 3 (Rec. Feb. 6)	Amplifies No. 76.	60
78	Ditto ...	71	February 12 (Rec. Mar. 3)	Transmits copy of the Commission constituting the Indian Inquiry Commission and formulating the terms of reference.	60
79	India Office ...	—	March 22	States that it was found impossible to include Mr. S. Sastri in the Indian deputation.	61
80	The Governor-General	172	April 14 (Rec. May 7)	Transmits correspondence respecting the desire of the Transvaal Hindoo Association for a definition of the status of Indians in the Union.	62
81	Ditto ...	814	May 28 (Rec. June 15)	Encloses an interim report by the Indian Commission of Inquiry recommending provision of increased facilities for the return of Indians to India, and states that the Commission will not be in a position to submit their final report for some time.	64
82	Ditto ...	Confidential	July 16 (Rec. Aug. 3)	Transmits copies of statement submitted by Sir B. Robertson to the Indian Inquiry Commission and summarizes the Indian case as set forth therein.	65
83	The Acting Governor-General	641	September 14 (Rec. Oct. 6)	Transmits copy of Ministers' minute and telegraphic correspondence with the Viceroy of India as to the steps taken for the voluntary repatriation of Indians in accordance with the recommendations made in the Interim report of the Asiatic Commission of Inquiry.	66
84	To the Acting Governor-General	446	November 9	Inquires whether the Committee referred to in the Viceroy of India's telegram of 19th August has been appointed and whether Indians will be represented thereon.	69

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1921		
85	The Governor-General	41	January 26 (Rec. Feb. 15)	Transmits, with reference to No. 84, copy of Minister's minute stating that, up to the present, the need for an Advisory Repatriation Committee has not become apparent and indicating the action taken with regard to the voluntary repatriation of Indians from South Africa.	69
86	India Office ...	Immediate and Confidential	April 2	Transmits copy of telegram from the Government of India regarding the Asiatic Inquiry Commission; requests that the Union Government may be asked to send copies of the report to His Majesty's Government and the Government of India and to postpone any action on the report pending consideration of the position of Indians in other parts of the Empire by the Imperial Cabinet.	70
87	To the Governor-General	Telegram	April 7	States that Indian Government urge postponement of any action on the report of the Asiatic Inquiry Commission pending consideration by the Imperial Cabinet of question of the position of Indians in other parts of the Empire; asks that copies of the report may be sent to His Majesty's Government and the Indian Government.	71
88	India Office ...	Immediate and Confidential	April 8	Requests that representations may be made by telegraph to the Union Government against the recommendation of the Asiatic Inquiry Commission that legislative provision should be made to restrict the rights of Indians in Natal to acquire land; inquires whether the suggestion in No. 86 that the Union Government should be asked to defer action on the report has been adopted.	72
89	The Governor-General	Telegram	April 11 (Rec. Apr. 11)	States, in reply to No. 87, that Union Government have decided to postpone legislation until next session.	73
90	To India Office ...	-	April 14	Transmits copy of No. 89; assumes that in the circumstances it is unnecessary to make the telegraphic communication requested in No. 86.	73
91	To the Governor-General	Confidential	April 14	Transmits copy of No. 88 and of telegram enclosed in No. 86.	73
92	The Governor-General	Confidential (4)	May 18 (Rec. May 31)	Reports substance of views expressed in the House of Assembly on three suggested solutions of the Asiatic problem; encloses telegram from British Indian Council protesting against the suggestions.	74
93	To India Office ...	-	June 6	Transmits copy of No. 92.	75
94	To the Governor-General	Telegram	June 29	States that Indian Government and Secretary of State for India hope that paragraphs 4 and 5 of Repatriation Commissioner's pamphlet may be deleted as they are not in accordance with facts.	75

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1921		
95	India Office ...	-	September 26	Inquires as to the present position regarding Union legislation on matters dealt with by the Asiatic Inquiry Commission; suggests that the Union Government be requested to communicate the general lines of procedure contemplated in order that Indian Government may make representations on any particular points before legislation is introduced; adds that copies of any Bills introduced should be sent to Imperial Government and also direct to Indian Government.	76
96	To India Office ...	-	October 1	Transmits, in reply to No. 95, copy of No. 97.	76
97	To the Governor-General	Confidential	October 1	Communicates purport of No. 95.	77
98	The Deputy Governor-General	657	September 16 (Rec. Oct. 11)	Transmits copy of Minute from Ministers stating that in view of representations conveyed in No. 94 instructions have been given for the issue of an amended pamphlet in connexion with the repatriation of Indians.	77
99	The Governor-General	Telegram	(Rec. Nov. 17)	States that Ministers have not been communicated with officially regarding matter referred to in No. 97, but Minister concerned has been approached, and information of developments will be forwarded.	78
100	India Office ...	-	November 25	States that the Government of India has been authorized to communicate direct with the Government of South Africa on the subject of the Report of the Asiatic Inquiry Commission and suggests that the Governor-General be so informed.	78
101	To the Governor-General	Telegram	November 30	Communicates purport of No. 100.	79

(b) Admission of wives and children of resident Indians who have divorced their previous wives.

			1920		
102	The Governor-General	Confidential	December 8, 1919 (Rec. Jan. 9, 1920)	Transmits copy of a Ministers' Minute stating the concessions made as the result of a Conference of Indians in 1918 respecting the admission into the Union of wives and children of Indians and that they are not prepared to introduce legislation or further to extend the concession.	79
103	To India Office ...	-	January 21	Transmits copy of No. 102.	80
104	India Office ...	-	February 6	Inquires as to interpretation of the decision that the introduction by an Indian of a wife and minor children should be permitted provided that marriage of second wife took place after divorce of first wife and the man has no other wife in the Union.	80
105	To the Governor-General	Confidential	February 19	Communicates substance of No. 102.	81

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
106	The Governor-General	Confidential (2)	1920 May 14 (Rec. June 1)	Transmits, with reference to No. 105, Minute from Ministers explaining the conditions of admission into the Union of wives and children of resident Indians.	81
107	Ditto ...	240	1921 April 26 (Rec. May 19)	Transmits Minute from Ministers stating the correct procedure for the admission into the Union of wives and children of Indians and requesting that representations may be made to the Government of India with a view to this procedure being followed.	82
108	India Office...	—	December 7	Transmits copy of telegram from the Government of India stating that instructions are being given that passports should not be issued to Indians who would evidently be unable to comply with the Immigration Regulations and that certificates of relationship should be endorsed by the principal local magistrate; asking also for information respecting the entry of plural wives into the Union.	83

(c) Natal Provincial Ordinances No. 19 of 1920 (The Durban Corporation Extended Powers Ordinance) 1920, and No. 22 of 1920 (The Durban Tramways Consolidated Laws, 1905 and 1920).

109	Indians Overseas Association	—	1920 October 4	Calls attention to an article in "Indian Opinion" of the 20th August, relating to two Ordinances passed by the Natal Provincial Council; suggests that the Ordinances are <i>ultra vires</i> , and requests that representations be made to the Union Government.	86
110	To Indians Overseas Association	—	October 14	Is of opinion that representations regarding the points raised in No. 109 will have been made locally to the Union Government.	87
111	India Office...	—	October 14	Asks that information may be obtained as to the scope and purpose of the two Natal Provincial Ordinances referred to in No. 109.	87
112	Indians Overseas Association	—	October 15	States, in reply to No. 110, that representations made to the Union Government have not resulted in disallowance of the Ordinances in question, and asks what steps His Majesty's Government propose to take to safeguard the interests and welfare of Indians in Natal affected by the Ordinances.	88
113	To Indians Overseas Association	—	October 21	Acknowledges No. 112, and states that a further communication will be made when information is available.	88
114	To India Office...	—	October 21	States, in reply to No. 111, that copies of the Ordinances referred to will be forwarded as soon as they are available and transmits copy of Nos. 109, 110, 112 and 113.	88

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
115	The Governor-General	Confidential	1921 January 5 (Rec. Jan. 25)	Gives substance of objections raised by Natal Indians to certain sections of two municipal ordinances and reports on the representations made by them as a result of which they were invited to send a deputation to the Minister of the Interior; this offer was not accepted, and assent to the Ordinances has now been signified.	89
116	To India Office	—	February 2	Transmits copy of No. 115.	92
117	India Office...	—	March 8	Refers to No. 116 and comments on Ordinance No. 19 with regard to licensing; assumes that the whole question of licensing law will be dealt with when action comes to be taken on the recommendations of the Indian Inquiry Commission.	92

(d) Draft Natal Township Franchise and Rural Dealers Licensing Ordinances, 1921.

118	To the Governor-General	Telegram	1921 June 4	States that an inquiry has been received from the Secretary of State for India as to what change would be effected in the present position of Indians in the event of the Natal Franchise Ordinance being passed, and what is the attitude of the Union Government and Natal Administration on the question; refers to statement that it is proposed to take steps to disqualify certain persons from enrolment as burgesses; inquires whether this statement is correct, and, if so, what is the attitude of the Union Government and Natal Administration.	93
119	The Governor-General	Telegram	July 8 (Rec. July 9)	States that Townships Franchise Ordinance has passed Natal Council with amendment preserving electoral right of Indians enrolled prior to 1st January, 1921.	93
120	Ditto ...	Telegram	July 14 (Rec. July 15)	States unofficially that assent to the Natal Township Franchise Ordinance, 1921, has been withheld.	93
121	Ditto ...	Confidential	July 7 (Rec. July 26)	Reports on the debates in the Natal Provincial Council during the second and third reading of the Townships Franchise Ordinance and in Committee.	94
122	Ditto ...	Telegram	August 6 (Rec. Aug. 9)	States that Executive Council Minute has been signed withholding assent to the Natal Rural Dealers Licensing Ordinance, 1921.	95
123	To the Governor-General	Telegram Confidential	August 16	Inquires whether official announcement has been made regarding the Natal Township Franchise Ordinance.	95
124	The Deputy Governor-General	Telegram	(Rec. Aug. 16)	Replies affirmatively to inquiry in No. 123.	95

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
125	The Deputy Governor-General	Telegram	August 22 (Rec. Aug. 23)	States that announcement regarding the Natal Rural Dealers Licensing Ordinance has been made.	96
126	India Office ...	—	September 23	Requests information on various points in connexion with the Natal Rural Dealers' Licensing Ordinance.	96
127	To India Office ...	—	October 8	States in reply to No. 126 that the Governor-General of the Union is being asked by telegraph to supply information requested.	96
128	The Governor-General	723	November 7 (Rec. Nov. 29)	Transmits copy of Minute from the Department of the Interior submitting information requested in No. 126.	97

(e) Correspondence relating to certain judgments affecting the position of Indians.

1920					
129	India Office ...	—	January 1	Encloses copy of telegram from Indian Government regarding certain representations which have been received from the Transvaal Indian Association as to the decision given in the case of Krugersdorp Municipality v. Naidoo Co.; considers it necessary to protect rights to property ownership by Indians which were acquired before 1st May, 1919, and hopes that no further action will be taken adverse to their interests pending the report of the Commission of Inquiry.	98
130	To the Governor-General	Telegram	January 6	Communicates substance of No. 129.	99
131	The Governor-General	220	April 30 (Rec. May 18)	Transmits, with reference to No. 130, copy of judgments of Court in cases of Krugersdorp Municipality v. Dadoo, Ltd., and of S. Sullivan, Tayob & Co. v. The Potehefstroom Municipal Council; states that these proceedings are between private parties and the Union Government is unable to interfere in the matter.	99

(f) Position of Chinese residents in the Union.

1920					
132	To the Governor-General	Telegram	February 9	Repeats telegram from the Chairman, Chinese Association, Johannesburg, to the Chinese Minister in London, reporting that renewal of trading licences have been refused to hundreds of old-established Chinese shopkeepers, and asking that immediate action be taken for relief; inquires what are the facts.	107
133	The Governor-General	Telegram	March 2 (Rec. March 6)	States, in reply to No. 132, that some confusion arose through misinterpretation of Act 37 of 1919, but the matter has now been adjusted and licences are being issued.	107
134	India Office ...	Confidential (1)	May 14 (Rec. June 1)	Forwards copy of correspondence with the Chinese Consul-General regarding the position occupied by the subjects of China domiciled within the Union.	108

V.—POSITION OF INDIANS IN MANDATED TERRITORY.

Serial No.	From or to whom.	Despatch No., &c.	Date	Subject	Page.
1920					
135	India Office ...	—	January 16	Makes observations upon what would be the effect of the application of the Dominions laws prohibiting the immigration of Indians to mandated territories and requests that the attention of the Governments of Australia and New Zealand be drawn to the matter.	109
136	To the Governor-General	Commonwealth of Australia 126 New Zealand 60	March 23	Conveys appeal from Secretary of State for India that the interests of British Indian subjects may not be overlooked in the application of Dominion laws to mandated territories.	110
137	The Governor-General	Commonwealth of Australia 253	July 27 (Rec. Sept. 14)	States, in reply to No. 136, that the question will receive full consideration when the terms of the mandate are known.	110
138	The Administrator ...	New Zealand 183	August 20 (Rec. Sept. 27)	States that the Government will endeavour to comply with request in No. 136 in their legislation for and administration of Western Samoa.	111
1921					
139	India Office ...	—	February 23	Transmits copy of correspondence with the Indians Overseas Association as to their request for an assurance that the mandates for South-West Africa, Samoa, New Guinea and the islands south of the equator will not impose disabilities on Indians greater than those existing during the German régime; desires that an inquiry may be addressed to the Commonwealth Government as to the action contemplated in ex-German New Guinea and the adjacent islands.	111
140	To the Governor-General	Commonwealth of Australia 114	March 8	Inquires decision of the Commonwealth Government respecting the treatment of British Indians in the mandated territory of New Guinea and the adjacent islands.	113
141	The Governor-General	Commonwealth of Australia 219	June 18 (Rec. Aug. 9)	Suggests that it will suffice to extend to the territory of New Guinea the arrangements for the admission into, and residence in, the Commonwealth of Indian merchants, students and tourists, with their wives, on the understanding that the Indian Government will not issue passports to manual labourers.	113
142	India Office ...	—	September 5	States that the Government of India is being consulted with regard to the suggestions in No. 141.	114
143	To the Governor-General	Commonwealth of Australia 344	September 9	Communicates purport of No. 142.	115

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
144	India Office ...	—	1921 December 8	Transmits copy of a letter from the Government of India inquiring whether the Australian Immigration Act has been applied to New Guinea and what restrictions exist on immigration into Papua, and urging that Indian manual labourers should not be excluded from the mandated territory, especially as the Indian Emigration Bill can be used to prohibit their emigration thither.	115

FURTHER CORRESPONDENCE

[1919 (Nos. 1, 2, and 50), 1920 and 1921]

RELATING TO THE

TREATMENT OF ASIATICS IN
THE DOMINIONS.

I. CANADA.

(a) Correspondence relating to admission into Canada of Indians and the Wives and Children of resident Indians.

46571

No. 1.

INDIA OFFICE to COLONIAL OFFICE.

(Received 11th August, 1919.)

SIR, India Office, Whitehall, London, S.W.1, 11th August, 1919.

I AM directed by the Secretary of State for India to acknowledge the receipt of the printed correspondence* with the Governor-General of Canada and with the Governor-General of Australia, transmitted to this department under cover of C.O. No. 27362, dated 10th June, 1919,† regarding the action proposed in those Dominions to give effect to Resolution No. XXI. of the Imperial War Conference, 1918.

2. In his despatch, No. 275, of 27th March, 1919,‡ the Governor-General of Canada transmits copies of an approved minute of the Privy Council for Canada which adopts a recommendation of the Acting Secretary of State for External Affairs that the Resolution of the Imperial War Conference should be approved.

3. As regards the two questions which particularly affect Indians in Canada, viz.—(1) that of visits or temporary residence for the purpose of pleasure or commerce, and (2) that of the admission of the wives and children of residents, I am to inquire whether it is to be inferred from the Privy Council's minute that it is the view of the Canadian Government that no legislative action is necessary in order to give effect to the Resolution under those heads, and that where necessary, administrative action will be taken.

4. In the event of the latter assumption being correct, I am to inquire whether it is considered that the object in view could be obtained by the grant of permits under Section 4 of the Immigration Act, authorizing the persons concerned to enter Canada without being subject to the provisions of the Act, in so far as (for example, in the case of merchants and intending temporary residents and the wives and children of residents) they do not at present fall within the "non-immigrant classes" defined in Section 2 of the Act. I am to inquire whether it is the intention of the Government of Canada to take administrative action on these or similar lines.

5. With reference to the statement contained in the Privy Council's Minute that possibly not more than 1,200 Indians now remain in Canada, and that a number have returned to India, I am to express the hope that those who have gone back to India (as many have probably done during the War) should be permitted to return to Canada, if they wish to do so, whether their Canadian domicile has been technically retained or lost.

6. The Government of India are being consulted with regard to the details of the procedure to be adopted in order to facilitate the task of the Canadian immigration authorities by the issue in India of passports or written permits to *bona fide* visitors or intending temporary residents, and of certificates to the lawful wives and children of Indian residents. Care will be taken that no certificate is issued in respect of an Indian resident who has a wife already with him in Canada, or to more than one wife in respect of each Indian resident during the continuance of his marriage with a wife already in Canada. As at present advised Mr. Secretary Montagu considers that the most convenient procedure would be that

* Nos. 17 and 18 in Dominions No. 70. † Not printed: covering letter only.

‡ No. 17 in Dominions No. 70.

any Indian resident applying to bring his wife or children should be required to submit on a prescribed form full particulars of their identity to the Canadian authorities, who would then, if they were satisfied that he had no wife already in Canada, transmit the application for the authorities in India to verify and grant, or withhold, as the case might be, the necessary certificates. I am to inquire whether the Government of Canada may be consulted on this suggestion.

7. With regard to the steps decided on by the Government of Australia to give effect to the Resolution, a separate communication is being addressed to you with reference to the Governor-General's despatch No. 95, dated 14th April, 1919,* copy of which was transmitted to this Office with your memorandum dated 27th June, 1919.†

I am, &c.,
T. W. HOLDERNESS

49711

No. 2.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 3.]

(No. 432.)

MY LORD DUKE,

Downing Street, 19th September, 1919.

I HAVE the honour to request Your Excellency to inform your Ministers that I communicated to the Secretary of State for India, your despatch No. 275 of the 27th of March,‡ regarding Resolution XXI. of the Imperial War Conference, 1918, which relates to the reciprocity of treatment between India and the self-governing Dominions in Immigration matters.

2. As regards the two questions which particularly affect Indians in Canada, namely:—(1) that of visits or temporary residence for the purpose of pleasure or commerce; and (2) that of the admission of the wives and children of residents, Mr. Montagu inquires whether it is to be inferred from the Minute of the Privy Council which accompanied your despatch, that it is the view of the Canadian Government that no legislative action is necessary in order to give effect to the resolution under those heads, and that where necessary administrative action will be taken.

3. In the event of the latter assumption being correct, Mr. Montagu asks whether it is considered that the object in view could be obtained by the grant of permits under section 4 of the Immigration Act, authorizing the persons concerned to enter Canada without being subject to the provisions of the Act, in so far as (for example, in the case of merchants and intending temporary residents and the wives and children of residents) they do not at present fall within the "non-immigrant classes" defined in section 2 of the Act. He inquires further whether it is the intention of the Government of Canada to take administrative action on these or similar lines.

4. With reference to the statement contained in the Privy Council's Minute that possibly not more than 1,200 Indians now remain in Canada, and that a number have returned to India, Mr. Montagu expresses the hope that those who have gone back to India (as many have probably done during the war) should be permitted to return to Canada, if they wish to do so, whether their Canadian domicile has been technically retained or lost.

5. Mr. Montagu adds that the Government of India are being consulted with regard to the details of the procedure to be adopted in order to facilitate the task of the Canadian immigration authorities, by the issue in India of passports or written permits to *bona fide* visitors or intending temporary residents, and of certificates to the lawful wives and children of Indian residents. Care will be taken by the Government of India that no certificate is issued in respect of an Indian resident who has a wife already with him in Canada, and that no further certificate is issued in respect of any Indian resident in Canada who has secured the admission of one certified wife as long as marriage with her continues. As at present advised Mr. Montagu considers the most convenient procedure would be that any Indian resident applying to bring his wife or children should be required

* No. 19 in Dominions No. 70.

† 35969: L.F. not printed.

‡ No. 17 in Dominions No. 70.

to submit on a prescribed form full particulars of their identity to the Canadian authorities, who would then, if they were satisfied that he had no wife already in Canada, transmit the application for the authorities in India to verify and grant, or withhold, as the case may be, the necessary certificate, and he would be glad to be favoured with the views of your Ministers on this suggestion.

I have, &c.,

MILNER.

2391

No. 3.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th January, 1920.)

[Answered by No. 8.]

(No. 945.)

SIR,

Government House, Ottawa, 31st December, 1919.

With reference to Lord Milner's despatch No. 432, of the 19th September, 1919,* respecting reciprocity of treatment between India and the Self-governing Dominions in immigration matters, I have the honour to transmit herewith copies of an approved minute of the Privy Council for Canada on this subject.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 3.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 24TH DECEMBER, 1919.

(P.C. 2498.)

THE Committee of the Privy Council have had before them a report, dated 12th November, 1919, from the Acting Secretary of State for External Affairs, to whom was referred a despatch to Your Excellency from the Secretary of State for the Colonies, dated the 19th September, 1919, relative to an inquiry made by the Secretary of State for India in regard to the meaning and interpretation of the Order in Council dated the 26th March, 1919 (P.C. 641), dealing with the question of reciprocity of treatment between India and the Self-Governing Dominions in immigration matters.

The Minister submits a copy of a report to the Minister of Immigration and Colonization from the Assistant Deputy Minister of that Department, furnishing a reply to the questions raised by Mr. Secretary Montagu.

The Minister observes that it is the view of the Department of Immigration and Colonization, in which view he concurs, that legislative action is not necessary to give effect to the policy embodied in the resolution of the Imperial War Conference, 1918, and approved by the minute of Council above referred to, in so far as it is concerned with (1) visits or temporary residence for the purpose of pleasure or commerce, and (2) with the admission of the wives and children of residents, administrative action affording ample provision for securing the desired effect by means of procedure which is fully explained in Mr. Scott's report.

The Committee concur in the foregoing, and, on the recommendation of the Acting Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward to the Secretary of State for the Colonies a copy hereof, if approved, together with a copy of the annexed report from Mr. Scott, as expressing the views of the Canadian Government in the matter.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

* No. 2.

The Deputy Minister of Immigration and Colonization,
Ottawa, Canada.

Report by the Assistant Deputy Minister of Immigration and Colonization to the Minister of Immigration and Colonization, on the subject of the admission of East Indians to Canada. The recommendations made herein have been approved by the Minister.

I HEREWITH hand you file 536999, and would call your attention to a despatch dated the 19th ultimo, from the Secretary of State for the Colonies to the Governor-General, with regard to certain features of the Immigration Regulations as affecting East Indians.

(1) The despatch calls attention to receipt by the Imperial Government of Order in Council No. 641, of the 26th March, 1919, which order gives effect to certain suggestions made at the Imperial War Conference, 1918. In connexion with this Order in Council certain questions are asked.

(2) The Order in Council in question deals particularly with the recognition by Canada (a) of the claims of East Indians of the student, tourist, and other non-immigrant classes to temporary entry to Canada in the same manner as non-immigrants of other nationalities; (b) the claims of East Indians legally domiciled in Canada to the admission of their wives and families.

(3) The Secretary of State for the Colonies asks whether legislative action is necessary or whether administrative action will be taken. The answer to the former is "no," and to the latter "yes." In connexion with administrative action a further inquiry is made as to the issue of a special permit under section 4 of the Immigration Act, and it is suggested that this may be necessary in the case of merchants and wives and children who do not appear to fall within the non-immigrant classes. The answer to this is that section 4 is not intended to cover such persons as are referred to in this correspondence, although the holder of a permit under section 4 may be regarded as in the non-immigrant classes. A merchant would, for the purposes of the Immigration Act, be looked upon somewhat as a commercial traveller. I may say that, although certain classes are definitely specified as non-immigrant, we recognize that it is difficult for the law to specify in every case the trade, occupation, employment, or status of a person who may properly be regarded as a non-immigrant, and it has been our custom to regard the person entering Canada for a legitimate and temporary purpose, not, however, to become a factor in the labour market, as a non-immigrant, and the same policy in my judgment should be extended to East Indians.

(4) With regard to wives and children, I think it would not be advisable to issue permits to these under section 4. We have already admitted the claim of East Indians to the admission of their wives and minor children, providing such relatives are mentally and physically fit, and providing, further, that the husband and father in Canada is legally here and in a position to receive and care for his dependents. These requirements are substantially the same as in the case of any other immigrant, and when the East Indian meets the condition I think we should not place him in a less advantageous position than we would place persons of other nationality, in other words, when his dependents are found physically fit we will permit their landing in Canada as immigrants.

(5) In connexion with the entry to Canada of the wives and families of East Indians domiciled here, it is suggested that the Government of India may be able to offer protection both to the wives and children and also to the Government of Canada by the issue in India of a written permit, not only to wives and children, but also to visitors. I think we should take advantage of this suggestion. We should make it known to our agents on the Pacific Coast that when an East Indian desires to bring into Canada his wife and family he should make application showing (a) his own legal entry, (b) his ability and willingness to receive and care for his dependents, (c) their names, ages, and address in India. On receipt of this information we could communicate direct with some officer of the Government of India, conveying the information that from our viewpoint there would be no objection to the entry of the wife and children named in our letter, conditional only on such wife and children being found physically and mentally fit. This would give the Government of India an opportunity of making proper inquiry before the issue of a document.

(6) In order to carry out this arrangement in a businesslike manner we should not have to send our communications through the usual diplomatic or State channels, as that would mean unnecessary work and delay. The Government of India could very easily name an official, and we could either write from here or a letter could be sent by our Commissioner at Vancouver.

(7) A further matter is mentioned by the Secretary of State for the Colonies, namely, whether the Government of Canada is prepared to allow the return to Canada of Indians formerly domiciled here, but who have within recent years returned to India. In connexion with this I may say that for quite a number of years we have adopted on the Pacific Coast, for the convenience of East Indians and for our own protection, a system of registering out. An East Indian desiring to return to his home, and at the same time retain his domicile in Canada, and with it the right of return, may register with our agent at Victoria or our Commissioner at Vancouver. In the act of registration he may make a declaration as to the probable length of his visit, and as to his intention to return. This system has worked out very well, except that during the period of the War I believe a number have over-stayed the period mentioned at the time they registered out. A number of these cases are now up for consideration, and, personally, I think that the Department might show considerable leniency in the matter of extension of time when satisfied that the East Indian left Canada in good standing, for a legitimate purpose, intending to return, and that his return has been delayed owing to the War. I may point out that in the case of Chinese we have extended the time by Orders in Council, and it would seem reasonable to take the same view in regard to East Indians.

W. D. SCOTT,
Assistant Deputy Minister.

6855

No. 4.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9th February, 1920.)

[Answered by No. 8.]

(No. 47.)

SIR,

Government House, Ottawa, 26th January, 1920.

WITH further reference to my despatch No. 945 of the 31st December,* forwarding copies of an Approved Minute of the Privy Council dealing with the question of the immigration of East Indians to Canada, it has been represented by the Department of Immigration and Colonization that the carrying out of the policy referred to in the Minute of Council would be facilitated and delay avoided if the Government of India would sanction direct correspondence between the Canadian Commissioner of Immigration at Vancouver and some official of that Government resident in India in regard to the following matters:—

- (a) The entry to Canada of the wives and families of East Indians domiciled here.
- (b) The entry to Canada of non-immigrants.
- (c) The return to Canada of East Indians formerly domiciled in Canada and who have been absent for some temporary purpose.

My Government therefore will be grateful if you can submit this request for the consideration of the Indian Government in case it should be deemed expedient to give effect to the plan proposed.

I have, &c.,
DEVONSHIRE.

* No. 3.

13905

No. 5.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th March, 1920.)

[Answered by No. 15.]

(No. 123.)

SIR, Government House, Ottawa, 28th February, 1920.

With further reference to my despatch No. 47 of the 26th January,* I have the honour to forward herewith, for transmission to the Government of India, a copy of a letter from the Department of the Secretary of State for External Affairs giving additional instances where direct correspondence would be of advantage.

I have &c.,

DEVONSHIRE.

Enclosure in No. 5.

DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 16th February, 1920.

I HAVE the honour to state that application was duly made by two East Indians domiciled in Canada, Indar Singh and Beant Singh, for permission for the entry of relatives.

Indar Singh asked for the admission of his wife, Banti, and his two boys, eleven and twelve years of age, whose names were not given, as well as of Prem Singh, understood to be a brother of Indar Singh's wife and the son of Dhana Singh, Mahalpur, Hoshiarpur, Punjab, India.

Beant Singh asked for the admission of his wife and her brother-in-law Moola Singh, son of Harip Singh, Vako Wall, Mahalpur, Hoshiarpur, Punjab, India.

The Department of Immigration to which the applications were made promised to allow the entry of all these people conditional on their being in good health. Information was received by the Department's Commissioner at Vancouver in September last that these persons had been refused permission to sail from India and the applicants in Vancouver seem to be under the impression that the Canadian Government was not dealing sincerely with them in the matter. The Department is at a loss to explain why the relatives of these men did not come forward and I am therefore to request that His Excellency may be humbly moved to inform the Secretary of State for the Colonies of the circumstances and to ask that inquiry may be made to ascertain the reason why the relatives referred to did not sail for British Columbia.

I might add that these cases are cited by the Immigration Department as instances where direct correspondence such as referred to in my letter of the 21st January, 1920, would be of advantage.

I have, &c.,

JOSEPH POPE,

Under Secretary of State for External Affairs.

14797

No. 6.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 22nd March, 1920.)

[Answered by No. 10.]

(Extract.)

SIR, India Office, Whitehall, London, S.W.1, 20th March, 1920.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter dated 18th February,† communicating copy of the Governor-General of Canada's despatch, No. 945, dated 31st December, 1919, and an approved minute of the Privy Council for Canada regarding the administrative action which is to be taken to provide for the admission into the Dominion of Indian visitors and temporary residents and the wives and children of Indian residents.

* No. 4. † L.F. transmitting copy of No. 3.

2. It is observed that persons belonging to certain professional classes, who enter Canada for the temporary exercise of their callings, are now included by Section 2 (g) (vi.) of the Immigration Act, 1919, in the non-immigrant classes. The Report adopted by the Privy Council intimates that, in view of the difficulty of specifying each class which may properly be regarded as non-immigrant under this heading, it has been the custom to regard as non-immigrant persons entering Canada for any legitimate and temporary purposes (otherwise than so as to become a factor in the labour market), and that this policy should be extended to Indians.

3. As regards the question of wives and children, Mr. Secretary Montagu notes that the dependants of Indian residents, provided they are physically and mentally fit, will be permitted to land as immigrants, and that it is not thought advisable to issue permits to them under section 4 of the Act. The possibility of the latter course was suggested in Sir T. Holderness's letter of the 11th August, 1919,* because it was feared that, if not exempted under section 4, such dependants might be considered as falling within the prohibited classes as defined in section 3 (i), in view of the two Regulations made the 7th January, 1914, under sections 37 and 38 of the Act respectively. It is true that as regards one of these, viz., that which prescribes the possession of \$200 as a condition of entry for any immigrant of Asiatic race except as otherwise provided, the Prime Minister of Canada in a letter dated the 12th April, 1913 (enclosed in Sir J. Anderson's No. 14527, 6th May, 1913†), gave an undertaking that it would be waived in certain conditions; nevertheless, the Regulation itself in form remains. The other excludes any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen. I am to inquire whether it could not be arranged formally to amend the Regulations so as to remove any barrier to the entry of the wives and children of Indian residents, provided they are physically and mentally fit. As regards the machinery to be instituted for the issue in India of the documents required by the immigration authorities, the Secretary of State for India is at present in correspondence with the Government of India, to whom a copy of these papers will be forwarded. He quite agrees that this machinery should provide for direct communication between the authorised officials in Canada and India.

4. The Privy Council minute describes a system under which Indians, temporarily leaving the Dominion, may be registered with a view to retaining their Canadian domicile on declaring the probable length of their absence. It is stated that during the War a number have overstayed the declared periods. The Report of Mr. Scott, Deputy Minister of Immigration, accepted by the Privy Council, expresses his personal opinion that considerable leniency might be shown in the matter of granting extensions of these periods, and suggests that this should be done by Order in Council. Mr. Montagu hopes that the requisite steps will be taken to restore Canadian domicile when it has been technically lost by reason of absence. He would again draw attention to the apparent anomaly in section 2 (d) (iii.) of the Immigration Act, 1919, mentioned in Sir M. Seton's letter of the 20th August, 1919.‡ That section appears to provide no means by which the presumption that Canadian domicile is lost after one year's absence can be rebutted in the case of a person who, though absent from Canada, nevertheless continues to reside within His Majesty's dominions; the proviso for the rebutting of such presumption would in practice be limited to the case of residence in a foreign country, since it requires that reasonable intention to retain Canadian domicile must be shown to the satisfaction of a "British diplomatic or consular officer." Mr. Montagu cannot suppose that it was the intention, while enabling persons residing in a foreign country to retain their Canadian domicile, to make this more difficult for those who continue to reside in the British Empire.

I am, &c.,

J. E. FERARD.

* No. 1.

† No. 90 in Dominions No. 44.

‡ 49494: not printed (it put the same point as that given in the following sentences of this letter).

17091

No. 7.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd April, 1920.)

[Answered by No. 10.]

SIR, India Office, Whitehall, London, S.W., 1st April, 1920.
 WITH reference to the correspondence on the subject of Indians in Canada ending with the letter from this department, dated 20th March, 1920,* I am directed by the Secretary of State for India to transmit for the observations of the Secretary of State for the Colonies copy of a despatch from the Government of India suggesting a procedure for certifying the wives and children of Indian residents, which differs in some respects from that suggested in Sir T. Holderness's letter dated 11th August 1919.†

If the suggested procedure meets with the concurrence of the Canadian Government, it would appear that there would be no objection to direct communication between the immigration authorities in Canada and any authority in India designated in that behalf in individual cases on which official correspondence might be required. Mr. Secretary Montagu has forwarded copy of the Governor-General of Canada's despatch No. 47, dated 26th January, 1920,‡ to the Government of India for a statement of their views.

I am &c.,
 P. H. DUMBELL.

Enclosure in No. 7.

No. 6 OF 1920.

GOVERNMENT OF INDIA—DEPARTMENT OF COMMERCE AND INDUSTRY.
Emigration.

SIR, Delhi, 19th February, 1920.
 WE have the honour to refer to your despatch No. 102-Pub., dated the 28th August, 1919, forwarding, among other papers, a copy of your letter No. J. & P. 3636 to the Colonial Office. In that letter you have proposed a definite line of procedure for the admission of certified wives and children of Indians into Canada. You have suggested that Indian residents wishing to bring their wives and children into the country should be required to submit full particulars of their identity on a prescribed form to the Canadian authorities, who would then, if they were satisfied that the applicant had no wife already in Canada, transmit the application to the authorities in India to verify, and to grant or withhold, as the case might be, the necessary certificate.

2. We are inclined to think that a more convenient procedure would be to follow the arrangement explained in paragraph 2 of our despatch No. 36 of the 28th May, 1914, which dealt with a similar question in connexion with the Union of South Africa. The procedure which we would recommend, if acceptable to the Governments of the Dominions, is as follows:—

- (1) The husband or father resident in the Dominion should apply in the prescribed form to the immigration authorities or to the local Magistrate for a certificate that he is at liberty to bring in his wife or children from India.
- (2) This certificate, when obtained, should be transmitted by him to his wife or children in India, together with his application for a certificate of relationship, for production before the principal local Magistrate in India.
- (3) After local inquiry, the principal local Magistrate should issue a certificate of relationship in the prescribed form.

* No. 6. † No. 1. ‡ No. 4.

The procedure proposed would, we think, be more expeditious and convenient to the Governments concerned than that suggested by you.

We have &c.,

CHELMSFORD.
 C. C. MONRO.
 C. H. A. HILL.
 G. R. LOWNDES.
 G. S. BARNES.
 W. H. VINCENT.
 MUHAMMAD SHAFI.
 W. M. HAILEY.

The Right Honourable Edwin Montagu,
 His Majesty's Secretary of State for India.

14797

No. 8.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

[Answered by No. 9.]

(No. 230.)

SIR, Downing Street, 14th April, 1920.
 WITH reference to the Duke of Devonshire's despatches, No. 945 of the 31st December, 1919, and No. 47 of the 26th January, 1920,* regarding the admission into Canada of Indian visitors and temporary residents and the wives and children of Indian residents, I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of letters† which have been received from the India Office on the subject.

I have, &c.,
 MILNER.

28080

No. 9.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th June, 1920.)

[Answered by No. 14.]

(No. 367.)

MY LORD, Government House, Ottawa, 28th May, 1920.
 WITH reference to your despatch No. 230 of the 14th April last,‡ regarding the admission into Canada of the wives and children of East Indians, I have the honour to transmit herewith a copy of a letter from the Department of the Secretary of State for External Affairs, incorporating a statement expressing the views of the Department of Immigration and Colonization in regard to this question.

I have, &c.,
 DEVONSHIRE.

Enclosure in No. 9.

DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 25th May, 1920.
 WITH reference to the despatch (No. 230) to His Excellency from the Secretary of State for the Colonies, dated the 14th April, 1920, enclosing copies of correspondence with the India Office regarding the admission into Canada of the wives and children of East Indians resident and of East Indians who have been previously domiciled in Canada returning to the Dominion after absence for a temporary purpose, I have the honour to subjoin a statement containing the expression of the views of the Department of Immigration and Colonization in regard to this matter.

* Nos. 3 and 4. † Nos. 6 and 7. ‡ No. 8.

(1) It is not considered advisable to attempt to redraft Orders-in-Council P.C. 23 of the 7th January, 1914, which relates to continuous journey, and P.C. 24 of the 7th January, 1914, which relates to the possession of \$200.00. Neither of these regulations applies to a non-immigrant. Nominally they both apply to wives and children of Indians domiciled in Canada, but as each individual case will be dealt with separately, and a letter written by the Department of Immigration, the letter will express whether either or both of these regulations are to be waived.

(2) It would be very difficult to deal by Order-in-Council with the question of domicile as suggested in paragraph No. 4 of the letter of the 20th March from the India Office, Whitehall. Canadian domicile is lost by intention as well as time. The Immigration Act does not provide that a change may be made in the definition by means of an Order-in-Council. In order to meet the somewhat peculiar situation with regard to Indians resident in Canada, and who have been in the habit of returning to India for somewhat prolonged visits the Immigration Department adopted some time ago the plan of registering out. In the document issued, two copies of which are hereto attached, it will be observed that provision is made for a declaration as to intention to return and also as to time of return. In cases where Indians registered on going out and declared intention of returning within a specified period, and where return within the time specified has not been possible owing to conditions over which the Indian has no control, it is our custom to recognize retention of domicile.

(3) The procedure suggested in the second paragraph of the Indian Government's despatch of the 19th February, 1920, by which the husband or father resident in the Dominion should make application to the Immigration authorities, or to the local magistrate, for a certificate permitting him to bring his wife and children from India to the Dominion and should transmit such certificate, when obtained, to his wife or children in India with his application for a certificate of relationship for production before the principal local magistrate in India is approved by the Immigration Department. The certificate issued by the Department to the husband or father in Canada will express not only the names, ages and relationship of persons to be admitted, but also the conditions to be observed in each case. It may be stated that one general condition will always apply, viz., physical and mental health, and character. If in any case the continuous journey or the money regulation is to be observed, the letter will so state, and similarly if these regulations are to be waived, as is likely to be the general rule, the letter will make this fact clear.

I am to request that His Excellency may be humbly moved to reply to Lord Milner's despatch above referred to in the sense of this statement.

I have, &c.,

JOSEPH POPE,

Under Secretary of State for External Affairs.

CERTIFICATE OF REGISTRATION.

Department of Immigration and Colonization, Canada.

The bearer, who was born
at Village District
Country now resident at entered
Canada at ex ss on the
day of 19..... hereby makes application to leave Canada
for for the purpose of

..... and hereby declares intention of returning
to Canada on or before the day of 19.....

It is, therefore, declared that the above named will be permitted to re-enter
Canada on or before the day of 19.....
on presentation of this Registration Certificate and on satisfying the Immigration

Officer-in-Charge that he is the person to whom the Certificate was issued, and provided further that this Registration Certificate shall correspond in all particulars with the duplicate, which shall be kept on file in the office of the Commissioner of Immigration at Vancouver, B.C.

Nationality Age

Height

Personal description

Route and date of departure

Signature of Registrant.

Issued at Vancouver, B.C., this

day of 19 by
Commissioner of Immigration and Colonization.

Route and date of return
Signature on return.

Identified on return by
Immigration Officer.

28080

No. 10.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by Nos. 12 and 13.]

SIR,

Downing Street, 14th June, 1920.

With reference to your letters of the 20th of March*, and the 1st April† on the subject of the admission into Canada of Indians returning after temporary absence abroad and of the wives and children of Indian residents, I am directed by the Secretary of State to transmit to you, for the information of Mr. Secretary Montagu, a copy of a despatch‡ from the Governor-General of Canada regarding the views of the Canadian Government on the matter.

I am, &c.,

HENRY LAMBERT.

31391

No. 11.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.30 a.m., 26th June, 1920.)

TELEGRAM.

[Answered by Nos. 14 and 15.]

25TH JUNE. My despatch, 28th February, No. 123,§ Immigration of East Indians to Canada. My Ministers inquire whether it is yet possible to furnish information asked for as to the reason why these people were not allowed to sail. Minister of Immigration would be glad to know whether Government of India is now prepared to name official with whom direct correspondence could be had; see my despatch 26th January, No. 47,|| with regard to entry of wives and children of East Indians.—DEVONSHIRE.

* No. 6.

† No. 7.

‡ No. 9.

§ No. 5.

|| No. 4.

40081

No. 12.

INDIA OFFICE to COLONIAL OFFICE.

(Received 12th August, 1920.)

SIR, India Office, Whitehall, London, S.W., 11th August, 1920.

I AM directed by the Secretary of State for India to refer to your letter dated 14th June, 1920,* and connected correspondence, on the subject of

- (a) The entry into Canada of the wives and families of Indians domiciled there;
- (b) The entry of non-immigrants;
- (c) The return of Indians formerly domiciled.

It will be seen from the despatch from the Government of India, of which copy is enclosed, that that Government have no objection to direct correspondence with Political Officers (not below the rank of Political Agent) in Indian native states, and with District Officers (not below the rank of Collector or Deputy Commissioner, i.e., the officer administering a district), in British India in regard to cases of (b) and (c) above. The Government of India do not refer to the question of direct correspondence on cases arising under (a) above. It may be anticipated, however, that under the procedure for dealing with such cases which has been recommended in paragraph 2 of the Government of India's despatch of 19th February, 1920,† and accepted by the Canadian Department of Immigration and Colonization (paragraph 3 of the enclosure to Ottawa despatch of 28th May‡) correspondence on individual cases of (a) after the issue of the original certificate or letter by the Immigration Department to the applicant, may not normally be necessary: such correspondence as is necessary may be addressed direct to the same officers in India as in cases of (b) and (c) above. With regard to the telegram dated 25th June, from the Governor-General of Canada, copy of which was communicated to this Department with Colonial Office letter dated 3rd July,§ I am to state that the Government of India have been asked to report by telegraph on the cases of the relatives of Indar Singh and Beant Singh referred to in Ottawa despatch of 28th February.||

Paragraph 1 of the Government of India's despatch of 10th June deals with the case of Indians who, after acquiring Canadian domicile, returned to India and may now wish to be accompanied by their wives and families on returning again to Canada. I am to inquire whether there is any objection to the procedure proposed by the Government of India for the provisional grant of certificates in respect of such wives and families, stating their relationship, with a view to facilitating their admission into Canada in that regard.

I have, &c.,

P. H. DUMBELL.

Enclosure in No. 12.

No. 24 of 1920.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

EMIGRATION.

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

His Majesty's Secretary of State for India.

SIR, Simla, the 10th June, 1920.

WITH reference to your despatch No. 62-Public, dated 25th March, 1920, we have the honour to point out that our suggestions for expediting direct correspondence between the authorities in India and Canada regarding the immigration of the wives and children of Indian residents in Canada have already been submitted to you in our despatch No. 6-Emigration, dated February 19th, 1920. We observe from the enclosures to your despatch that there are a certain number of Indians who, after acquiring Canadian domicile, subsequently returned to India

* No. 10. † Enclosure in No. 7. ‡ No. 9. § 31391: not printed:
it transmitted copy of No. 11. ¶ No. 5.

and now desire to return again to Canada. In some cases, no doubt, these persons will wish to take their wives and families back with them. The procedure suggested by us would not be applicable to such cases. We propose, therefore, that any Indian, on a visit to this country, who desires to obtain a certificate of relationship to facilitate the admission into Canada of his wife or family should appear personally before the principal local magistrate in India, viz., the Chief Presidency Magistrate in a presidency town, the Political Officer in a native state, or the District Magistrate elsewhere. The principal local magistrate, after instituting an inquiry and satisfying himself of the alleged relationship, would grant a certificate of relationship in a form that may be prescribed, and this certificate should be presented to the Canadian Commissioner of Immigration at Vancouver or his agents on the Pacific Coast. A written notice will be given to the applicant that the certificate is only a provisional one and does not in itself give either the applicant himself or his family any claim to enter Canada. The magistrate granting the certificate will inform the Canadian Commissioner of Immigration at Vancouver of its issue.

2. In the cases of the entry into Canada of non-immigrants and the return to Canada of East Indians who were formerly domiciled in Canada but who have been absent from Canada for some temporary purpose, the Government of India have no objection to the Canadian Commissioner of Immigration at Vancouver corresponding direct, as proposed by the Canadian Government, with Political Officers (not below the rank of a Political Agent) and District Officers (not below the rank of a Collector or Deputy Commissioner) in India, for the purpose of obtaining any information that may be found necessary in individual cases.

We have, &c.,

C. C. MONRO.
G. S. BARNES.
W. H. VINCENT.
MUHAMMAD SHAFI.
W. M. HAILEY.
T. H. HOLLAND.
A. P. MUDDIMAN.

41385

No. 13.

INDIA OFFICE to COLONIAL OFFICE.

(Received 21st August, 1920.)

SIR, India Office, Whitehall, London, S.W.1, 20th August, 1920.

WITH reference to your letter of the 14th June,* and previous correspondence on the subject of the admission of Indians into Canada, I am directed by the Secretary of State for India to state that the Government of India were asked to telegraph their observations on the proposals of the Canadian Government as explained in the letter from that Government's Department of External Affairs, dated 25th May, copy of which was enclosed with Ottawa despatch, No. 367, dated 28th May, 1920.†

In reply a telegram has been received from the Government of India, an extract from which is enclosed.

The Government of India also inquire whether there is any objection to the publication in India of the result of the discussion with the Dominion Government.

Mr. Secretary Montagu would be glad to be informed whether Viscount Milner sees any objection to a statement of the Canadian Government's attitude being published in India, and whether he has any observations to make on the Government of India's interpretation of the Dominion Government's proposals. I am to observe that it might be more accurate to substitute in such a statement the words "it is the custom of the Canadian Government to recognize the right of retaining domicile," in place of the words "promise given that right of retaining domicile ordinarily will be recognized," quoted from the end of the enclosed extract from the Government of India's telegram.

I have, &c.,

P. H. DUMBELL.

* No. 10. † No. 9.

Enclosure in No. 13.

EXTRACT FROM TELEGRAM FROM VICEROY, COMMERCE DEPARTMENT,
DATED 21ST JULY, 1920.

(Received 10.45 a.m., 24th July, 1920.)

We understand that Dominion Government proposes give effect to Reciprocity Resolution. It undertakes that Indians entering Canada for legitimate and temporary purposes otherwise than so as to become factor in labour market, shall be treated as non-immigrants. Orders in Council, Nos. 23 and 24 of 7th January, 1914, do not apply to Indians entering Canada as non-immigrants; nominally these regulations will apply to wives and minor children of resident Indians when entering Canada, but Dominion Government promises to deal with each case individually and hopes to be able to waive regulations as general rule. Certificates to be issued by Immigration Department in Canada to resident Indians desirous of bringing wife or children from India, will state in each case conditions to be observed, or whether above regulations are enforced or waived: one general condition, namely, that of physical and mental health, and character will always apply. Question of retention of domicile by Indians returning India for prolonged visits to be met by expedient of registering out; if Indians who declare their intention of returning to Canada within specified period are prevented from returning within period by causes beyond their control, promise given that right of retaining domicile ordinarily will be recognized.

40081

No. 14.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 17.]

(No. 519.)

MY LORD DUKE,

Downing Street, 21st August, 1920.

With reference to Your Excellency's despatch No. 367 of the 28th May and to your telegram of the 25th June,* relative to the admission of Indians into Canada, I have the honour to transmit to you, to be laid before your Ministers, a copy of a letter† from the India Office.

I have, &c.,

MILNER.

41386

No. 15.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.5 p.m., 1st September, 1920.)

TELEGRAM.

1ST SEPTEMBER. Your despatch of the 28th February, No. 123,‡ case of relatives of Indar Singh and Beant Singh. Government of India telegraphs that it appears applicants were directed to present applications for passports personally, and to show certificates granted by Immigration Department, Canada, permitting them to enter Dominion. They misunderstood orders and informed their relatives in Canada that passports had been refused. Passports will be issued now on receipt of applications.—MILNER.

* Nos 9 and 11.

† No. 12.

‡ No. 5.

41385

No. 16.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 18.]

(No. 541.)

MY LORD DUKE,

Downing Street, 3rd September, 1920.

With reference to Your Excellency's despatch No. 367, of the 28th May,* and previous correspondence regarding the admission of Indians into Canada, I have the honour to transmit to you, for the consideration of your Ministers, the accompanying copy of a letter† from the India Office on the subject.

2. I should be glad to receive a reply to this despatch by telegraph.

I have, &c.,

MILNER.

48823

No. 17.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th October, 1920.)

(No. 596.)

MY LORD,

Ottawa, 22nd September, 1920.

With reference to your despatch No. 519 of the 21st ultimo,‡ regarding the procedure proposed by the Government of India for the issue of certificates of relationship in the cases of Indians who, after acquiring Canadian domicile, have returned to India, and then desire to bring their wives and families back with them to Canada. I have the honour to inform you that the Minister of Immigration and Colonization sees no objection to the granting of such certificates in the circumstances indicated in the Indian Government's despatch. If, however, such Indians are not in possession of certificates of registration, which are issued by the Commissioner of Immigration at Vancouver prior to their departure from Canada, or if there is the slightest doubt regarding their possession of Canadian domicile, the certificate of relationship should not be issued.

It is suggested that in order to protect these Indians against any hardship which might be involved by the possibility of rejection—the certificate of relationship in any case being provisional—the better plan would be for the proper Officer in India to communicate with the Canadian Commissioner of Immigration at Vancouver, who is in a position not only to furnish definite information regarding the question of domicile, but also regarding the actual provisions of the Immigration Act touching the entry or landing in Canada of the various members of the family, covered by the certificate of relationship. The Commissioner of Immigration at Vancouver could notify the District Magistrate, who could in turn advise the Commissioner of the issue of the Certificate of relationship.

I have, &c.,

L. H. DAVIES,

Deputy Governor-General.

49670

No. 18.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th October, 1920.)

[Answered by No. 19.]

(No. 603.)

MY LORD,

Ottawa, 29th September, 1920.

With reference to your despatch No. 541 of the 3rd instant,§ enclosing an extract from a telegram from the Government of India expressing their understanding of the attitude of the Canadian Government in regard to the question of the

* No. 9.

† No. 13.

‡ No. 14.

§ No. 16.

admission of Indians into Canada, I have the honour to state that the Department of Immigration considers that Canada's attitude would be more accurately defined in the statement subjoined:—

"The provisions of the Order-in-Council of the 7th of January, 1914 (P.C. 23), are applicable only to immigrants coming to settle or earn their livelihood in Canada, but do not apply to persons entering Canada as non-immigrants, e.g., tourists and travellers merely passing through Canada to another country (see Section 2, paragraph 'g,' Canadian Immigration Act). The Order-in-Council of the 7th of January 1914 (P.C. 24), is also applicable only to immigrants. Persons who are non-immigrants, however, must satisfy the examining officer by oral and documentary evidence that they are bona fide non-immigrants within the meaning of the Immigration Act. Nominally these regulations will apply to wives and minor children of Indians domiciled in Canada, but the Dominion Government will deal with each case separately having regard to the mental and physical condition of the various members of the family and also to the question as to whether the husband has Canadian domicile or has been legally admitted to Canada. Certificates to be issued by Immigration Department in Canada to resident Indians desirous of bringing wife or children from India, will state in each case conditions to be observed, or whether above regulations are enforced or waived, one general condition, namely, that of physical and mental health and character will always apply; question of retention of domicile by Indians returning to India for prolonged visit to be met by registration outward.

"If Indians who declare their intention of returning to Canada within specified period are prevented from returning within period by causes beyond their control it is customary to recognize retention of domicile, but each case will be decided on its merits."

There is no objection on the part of the Canadian Government to the publication in India of the statement as embodied in this despatch.

I have, &c.,
L. H. DAVIES,
Deputy Governor-General.

33387

No. 19.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 362.)

MY LORD DUKE,

Downing Street, 13th July, 1921.

WITH reference to Sir L. H. Davies's despatch No. 603 of the 29th September, 1920,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a letter from the Department of Commerce, Government of India, on the subject of the procedure for regulating the admission of Indians into Canada.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 19.

No. 880-S.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

SIR,

Simla, the 2nd June, 1921.

WITH reference to Mr. Ferard's letter, dated the 6th April, 1916, I am directed to forward, for information, a copy of this Department's letter to all Local Governments and Administrations No. 835-S, dated the 30th May, 1921, and

* No. 18.

enclosures, communicating the decisions which have been arrived at by the Government of Canada in order to give effect to the Immigration Reciprocity Resolution passed by the Imperial War Conference, 1918.

I have, &c.,

A. K. SARKAR,

Assistant Secretary to the Government of India.

The Secretary,

Judicial and Public Department,
India Office, London.

LETTER NO. 835-S., DATED THE 30TH MAY, 1921.

C. A. Innes, Esquire, C.I.E., I.C.S.,

Secretary to the Government of India,

Department of Commerce, Simla.

To—All Local Governments and Administrations.

Resolution No. XXI passed by the Imperial War Conference, 1918, recommended *inter alia*—

(1) That British citizens domiciled in any British country, including India, should be admitted into any other British country for visits for the purpose of pleasure or commerce, including temporary residence for the purpose of education, and

(2) That Indians already permanently domiciled in any other British countries should be allowed to bring in their wives and minor children on condition (a) that no more than one wife and her children shall be admitted for each such Indian, and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

The Government of Canada have accepted this Resolution, and I am now to communicate for the information and guidance of the Government of the decisions which have been arrived at by the Dominion Government in order to give effect to the Resolution.

2. I am to explain, in the first place, that the admission of Indian immigrants into Canada is restricted by two Orders in Council of the Dominion Government. One of these Orders prohibits the landing in Canada of any immigrant who has come to the country otherwise than by continuous journey from the country of which he is a native or naturalized citizen and upon a through ticket purchased in that country or prepaid in Canada. The other directs that no immigrant of any Asiatic race, except as provided by the Order, shall be permitted to land in Canada, unless such immigrant possesses in his own right money to the amount of at least 200 dollars. The Government of India have been informed that the provisions of these Orders in Council are applicable only to immigrants coming to settle or earn their livelihood in Canada, and that they do not apply to persons entering Canada as non-immigrants, among whom are included not only students, tourists and travellers merely passing through Canada to another country, but also artists, lecturers, priests, authors, lawyers, professors of colleges, commercial travellers (including merchants) and similar persons who enter Canada for the temporary exercise of their callings. It is, however, necessary for such persons to satisfy the examining officer by oral and documentary evidence that they are *bona fide* non-immigrants within the meaning of the Immigration Act. Persons falling within the above categories would therefore be well advised to provide themselves with passports before proceeding to Canada.

3. As regards the admission of wives and minor children of domiciled Indians, nominally the above Orders in Council will continue to apply, but the Dominion Government have undertaken to deal with each case separately having regard to the mental and physical conditions of the various members of the family and also to the question whether the husband has Canadian domicile or has been legally admitted into Canada. In this connexion, it is stated by the Dominion Government that the question of the retention of domicile by Indians returning to India for prolonged visits will be met by a system of registration outward and that, if Indians, who declare their intention of returning to Canada within the specified period, are prevented from returning within the period by causes beyond their control, it is customary to recognize the right of retaining domicile, but that each case will be decided on its merits.

4. The procedure which has been arranged by the Government of India in discussion with the Government of Canada in order to facilitate the admission of the wives and minor children of domiciled Indians is as follows:—

The husband or father resident in Canada, who desires to obtain a certificate of relationship from a magistrate in India in order to secure the admission into the Dominion of his wife or minor children should, in the first instance, apply in the prescribed form to the immigration authorities or to the local magistrate in Canada for a certificate that he is at liberty to bring his wife or children from India into the country.

The certificate issued to him will express not only the names, ages and relationship of the persons to be admitted, but also the conditions to be observed in each case. It will be an invariable condition that such persons should be in sound physical and mental health and of good character. If the provision requiring continuous journey or the possession of 200 dollars is to be observed, this will be distinctly stated in the certificate. Such a certificate, when obtained, should be transmitted by the husband or father to his wife or children in India, together with an application for a certificate of relationship signed by him for production before the principal local magistrate in India, viz., the Chief Presidency Magistrate in a Presidency Town, the Political Officer in a Native State or the District Magistrate elsewhere. The principal local magistrate in India, on receipt of such an application, and on production before him of the certificate issued in Canada, will institute an inquiry either personally or through an officer not below the rank of a third-class magistrate, regarding the truth of the facts stated in the application. If he is satisfied as to the alleged relationship and that the person or persons referred to in the application will be able to fulfil the conditions of admission laid down in the certificate issued in Canada, he will grant a certificate of relationship in the form appended to this letter. If there is a doubt on the latter point, the certificate should still be granted, but a warning should be given at the same time of the risks which the intending emigrant runs of being refused admission to the Colony. The certificate should be presented to the immigration authorities at the port of entry in Canada.

5. An Indian who after acquiring Canadian domicile returns on a visit to this country, and desires to obtain a certificate of relationship in order to secure the admission into Canada of his wife and minor children should appear personally before the principal local magistrate of his district in India. The principal local magistrate will inquire direct from the Canadian Commissioner of Immigration at Vancouver whether there is any objection to the admission to Canada of the applicant and his family, and the conditions, if any, to be observed. If the Commissioner replies that there is no objection, the magistrate will, after instituting an inquiry and satisfying himself of the alleged relationship, issue a certificate of relationship in the prescribed form and inform the Commissioner accordingly. The certificate, if issued, should be presented to the immigration authorities at the port of entry in Canada.

No. 836-S.

Copy forwarded to the Foreign and Political Department for communication to the Agents to the Governor-General and Political Officers in Indian States.

Form of Certificate.

I do hereby certify that as the result of an inquiry made by me personally this day of 19 ..
I am satisfied that
daughter of of village
..... Police Station District
..... is the duly married wife of
son of of village
..... Police Station District
..... at present residing at

Descriptive particulars.
Name
Caste
Age
Religion
Date, as nearly as can be ascertained, of marriage
Place of marriage

Her thumb impressions have been taken in my presence.
Left thumb. Right thumb.

Signature of Magistrate.

Place

Dated the 19 ..

Seal of the Magistrate.

Countersigned.

District Magistrate.

(Chief Presidency Magistrate in a Presidency Town or Political Officer in a Native State.)

Dated the 19 .. Name of District

Seal of the District

Magistrate.

I do hereby certify that as the result of an inquiry made by me personally this day of 19 ..
I am satisfied that
is the son (daughter) of
of village Police Station
District at present residing at
..... and that I am satisfied that he/she is years of age.

Descriptive particulars

Name
Caste
Religion
Age

His (her) thumb impressions have been taken in my presence.
Left thumb. Right thumb.

Signature of Magistrate.

Place

Dated the 19 ..

Seal of the Magistrate.

Countersigned.

District Magistrate.

(Chief Presidency Magistrate in a Presidency Town or Political Officer in a Native State.)

Dated the 19 .. Name of District

Seal of the District

Magistrate.

59095

No. 20.

INDIA OFFICE to COLONIAL OFFICE.

(Received 29th November, 1921.)

SIR, India Office, Whitehall, London, S.W., 28th November, 1921.

With reference to previous correspondence regarding the re-admission to Canada of Indians with previous Canadian domicile, I am directed by Mr. Secretary Montagu to inquire whether Mr. Secretary Churchill has any information regarding the case of one Mihan Singh, which is believed to have been the subject of a recent judicial decision in British Columbia. It would appear that Mihan Singh desired to re-enter Canada, and that his application was at first rejected by the Immigration authorities at Vancouver on the ground that he had lost his Canadian domicile, but that subsequently to proceedings in the Court of Mr. Justice Murphy, the Immigration Department withdrew their opposition and allowed him to land. The contention on behalf of Mihan Singh seems to have been that the provision regarding the loss of Canadian domicile contained in Section 2 d (iii) of the Consolidated Immigration Act, is not retroactive and does not apply to a person with Canadian domicile who left Canada prior to 1917.

The case, so far as can be gathered, might be of interest to the Government of India as having a bearing on the position of Indians with a previous Canadian domicile who may desire to return to Canada.

Mr. Montagu would suggest, for Mr. Churchill's consideration, that the Dominion Government might be asked to transmit authentic information regarding the decision of the Court.

I am, &c.,

J. C. WALTON.

for Secretary.

Industries and Overseas Department.

60484

No. 21.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th December, 1921.)

(No. 684.)

SIR, Government House, Ottawa, 21st November, 1921.

I HAVE been requested by the Minister of Immigration and Colonization to ask if information can be obtained as to the earliest date at which passports were issued by the Indian Government to labourers desiring to return to Canada. Some of such labourers returning state that they were unable to return for a considerable period after the Armistice owing to the impossibility of obtaining passports.

My Government would also be glad to ascertain whether in India passports are issued by a central authority or at the headquarters of various Provinces.

I have, &c.,

BYNG OF VIMY.

59096

No. 22.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 696.)

MY LORD,

Downing Street, 7th December, 1921.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a letter from the India Office,* relative to the case of one Mihan Singh, which is believed to have been the subject of a recent judicial decision in British Columbia.

I have, &c.,
WINSTON S. CHURCHILL.

* No. 20.

(b) Issue of Salmon Canning and Seining Licences on the Pacific Coast.

1244

No. 23.

INDIANS OVERSEAS ASSOCIATION to COLONIAL OFFICE.

(Received 7th January, 1920.)

47-48, Danes Inn House, 265, Strand,

London, W.C.2, 6th January, 1920.

SIR,

MY Association observes with great regret that, with a view to encouraging the white fishing population on the Pacific Coast, the Canadian Government has decided to discontinue the issue of salmon cannery or salmon seining licences, except to resident citizens of the white race.

2. My Association regards the issue of the instructions to confine the issue of such licences to white persons as in the highest degree offensive, as it is obviously based on racial considerations, which could be made to apply to every other industry occupation (such, for example, as the lumber trade) in every other part of the Dominion.

3. My Association, therefore, desires to enter an emphatic protest against this new and uncalled-for differentiation, and requests that His Majesty's Government will take steps to procure the removal of these racial restrictions.

I am, &c.,

HY. S. L. POLAK,

Hon. Secretary.

1244

No. 24.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 25.]

(No. 43.)

MY LORD DUKE,

Downing Street, 17th January, 1920.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a letter* from the Indians Overseas Association, relative to the issue of salmon canning and salmon seining licences on the Pacific Coast.

I have, etc.,

(for the Secretary of State)

L. S. AMERY.

10892

No. 25.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st March, 1920.)

(No. 99.)

SIR,

Government House, Ottawa, 16th February, 1920.

With reference to your despatch No. 43 of the 17th January, 1920,† transmitting a copy of a letter from the Indians Overseas Association, relative to the issue of salmon canning and seining licences on the Pacific Coast, I have the honour to transmit, herewith, a copy of a letter on the subject from the Department of the Secretary of State for External Affairs.

I have, &c.,

DEVONSHIRE.

* No. 23.

† No. 24.

Enclosure in No. 25.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 11th February, 1920.

WITH reference to a despatch from the Secretary of State for the Colonies to the Governor-General, dated the 17th January, 1920, transmitting copy of a letter from the Indians Overseas Association, relative to the issue of salmon canning and seining licences on the Pacific Coast, I have the honour to represent that the protest of that Association is expressed against the recent policy in connexion with the British Columbia salmon fisheries, whereby only white residents or British companies made up of persons of the white race are eligible for salmon cannery, seining and trap-net licences. There is nothing new in this policy so far as Indians are concerned, as licences for such operations have not in the past been available to Indians. On the other hand, under the recent policy the Indians stand in a much more favourable situation so far as the salmon fisheries are concerned than they did previously.

Salmon fishing is carried on by gill-netting and trolling, as well as with seines and trap-nets. Under the previous policy, the number of salmon fishing licences that might be issued in the whole of northern British Columbia was limited to a specific number, and only a small percentage of this number was available to Indian fishermen. Under the recently modified policy, the limitation on the number of fishery licences is withdrawn, and consequently all resident Indians may now secure licences to engage in salmon gill-netting and salmon trolling, in which methods by far the greater number of people are employed.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have, &c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

(c) British Columbia legislation relating to the employment of white women in Chinese businesses.

60930

No. 26.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th December, 1920.)

[Answered by Nos. 28, 29 and 32.]

SIR, Foreign Office, S.W.1, 13th December, 1920.

I AM directed by Earl Curzon of Kedleston to transmit to you herewith copy of a Note received from the Chinese Minister, forwarding copies of correspondence respecting a Municipal Regulation made in the Province of British Columbia about January last affecting Chinese citizens, and expressing the hope that means may be found to induce the Government of Canada to refrain from proceeding with the Regulation.

2. As Lord Milner is aware, it has hitherto been the policy of His Majesty's Government to avoid in theory any racial discrimination against the Chinese or any other particular nationality such as that indicated *prima facie* in this Regulation.

3. For instance, in 1914 representations were made by the Chinese Minister regarding the treatment of Chinese in South Africa. His Majesty's Government were, however, in a position to assure him that no disabilities were imposed on Chinese citizens which were not equally applicable to British subjects in that Colony. I would refer you to the correspondence ending with your letter of 13th August, 1914.*

4. Again, in 1917-18 the Chinese Legation complained of various cases of alleged discrimination against Chinese in Samoa. These charges were investigated, and the Administrator of Samoa asserted that no discrimination was shown against Chinese, who were subject to the same treatment as other Asiatics, Polynesians, etc. Complaint had been made of Proclamation No. 42, of 30th January, 1917, as

* No. 222 in African (South) No. 1012.

specifically mentioning Chinese, and steps were thereupon taken by the Secretary of State for the Colonies to cause the removal of the objection by the issue of a further Proclamation, No. 56, of 1st May, 1919, in which the words "indentured labourer" were employed to replace "indentured Chinese." I would refer you to the correspondence beginning with Foreign Office letter of 23rd February, 1917.*

5. I am directed to inquire whether the Secretary of State for the Colonies can see his way to bring pressure to bear upon the authorities concerned in the present instance to avoid such obvious and specific instances of discrimination against Chinese citizens in British Columbia as the Regulation to which the Chinese Minister takes exception, and can cause such steps to be taken as may be open to His Lordship to cause the objectionable wording to be modified.

6. The Chinese Minister has meanwhile been informed that the matter has been referred to the proper quarter and that a further communication will be made to him in due course.

I am, &c.,

V. WELLESLEY.

Enclosure in No. 26.

MY LORD, Chinese Legation, London, W.1, 22nd November, 1920.

I HAVE the honour to submit for Your Lordship's consideration the enclosed copy of a correspondence which has passed between the Chinese Consul at Vancouver and the local authorities of British Columbia regarding a Municipal Regulation which was made in that province about January last declaring that:—

"No person shall employ in any capacity any white woman or girl or permit such to reside or lodge in, or work in, or, save as a *bona-fide* customer, to frequent any laundry, restaurant or place of business or amusement owned, kept or managed by any Chinaman; and any employer guilty of a breach of the regulation will, on summary conviction, be liable to a fine not exceeding \$100, or in default of payment to a jail term not exceeding two months."

Your Lordship will observe that this Regulation, so derogatory as regards those against whom it is directed, without any reason assigned that I am aware of, applies apparently to no residents in British Columbia, whatever their country or origin may be, except Chinese, and these latter feel the insult deeply and protest vigorously against it.

It appears that previously similar legislation was passed or proposed in the provinces of Ontario, Manitoba, and Saskatchewan, but was withdrawn or repealed owing to representations made by the Chinese Consul-General at Ottawa, and I trust that in this case Your Lordship may be able, by representations through the proper channel, to induce the Government of Canada to refrain from proceeding with the regulation now complained of and to prevent the making of regulations of this kind, general or local, which we must consider unjust towards Chinese and cannot be conducive to the smooth development of trade between Canada and China, to further which, according to the latest telegrams received, is the object of certain combinations between British steamship companies and Canadian merchant marine and railway companies.

Trusting to receiving a favourable reply at Your Lordship's early convenience.

I have, &c.,

SAO-KE ALFRED SZE.

The Right Honourable Earl Curzon of Kedleston, K.G.,
His Britannic Majesty's Secretary of State for Foreign Affairs.

DEAR SIR,

26th January 1920.

I HAVE the honour to again call your attention in connexion with Section 13 of Bill No. 81, being entitled "An Act to Amend the 'Municipal Act,'" which vitally affects the Chinese people in this Province.

This Act seems to me nothing more than to disgrace the Chinese nationality, because only five Canadian girls, to my knowledge, were employed by the Chinese cafés before the enactment of this law in Vancouver and Victoria, the two leading cities in this Province.

The legislatures of the similar nature have been passed in the Provinces of Ontario, Manitoba, and Saskatchewan, but owing to the representations made by our Consul-General at Ottawa they have either been withdrawn or repealed (2 George V, 1912, C.17; 3 George V, 1912-13, C.18).

*10144: not printed; this related to the treatment of Chinese resident in Samoa.

I therefore earnestly request that your Government will respect the Chinese nationality and recommend to the next session of Legislature to repeal Section 13 of the said Act.

I have, &c.,
KOLIANG YIH,
Consul for China.

The Honourable
The Provincial Secretary,
Victoria, B.C.

Department of External Affairs, Canada.
Ottawa, 17th February, 1920.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, relative to certain legislation of Province of British Columbia prohibiting the employment of white girls by Chinese, and to inform you that the attention of the Lieutenant-Governor of British Columbia has been called to this matter, and His Honour reminded of the promise of his Government to consider representations showing why the legislation complained of should be amended at the forthcoming session of the Legislature.

I have, &c.,
JOSEPH POPE,
Under-Secretary of State for External Affairs.

The Chinese Consul-General,
Ottawa.

Prime Minister, Province of British Columbia,
Victoria, 2nd March, 1920.

DEAR SIR,

I ACKNOWLEDGE receipt of your letter dated 28th February, enclosing copy of letter written by Sir Joseph Pope, Under-Secretary of State to the Honourable the Chinese Consul-General at Ottawa.

I also am in receipt of a letter from the Private Secretary to His Honour the Lieutenant-Governor of British Columbia, enclosing copy of letter transmitted to the Secretary of State from the Chinese Consul-General at Ottawa, on the same subject.

I may advise you that this correspondence will be placed before the Executive Council for consideration, at a very early date.

Yours truly,
JOHN OLIVER.

Honourable Koliang Yih,
Consul of China,
Vancouver, B.C.

Prime Minister, Province of British Columbia,
Victoria, 14th April, 1920.

DEAR SIR,

REFERRING to an interview which we had a few days ago, in respect to the employment of white women by Chinese, as I stated to you, I have placed this question again before the Municipal Committee of the Legislature.

I am forwarding, for your information, a letter which I have received from the Chairman and Secretary of this Committee, and I further beg to advise you that the Government will take no further action in this matter at the present time.

I am, &c.,
JOHN OLIVER.

Koliang Yih, Esq.,
Chinese Consul,
Vancouver, B.C.

Legislative Assembly, Province of British Columbia.

DEAR MR. PREMIER, Victoria, 31st March, 1920.

WE beg to acknowledge receipt of your favour of 29th instant, *re* the "Prohibition of the employment of white women by Chinese."

This legislation was put in the Municipal Act last year, by a unanimous vote of the Legislature.

At your request this matter was again discussed by members of the Municipal Committee, and every man is in favour of it remaining in the Act, and in arriving at this conclusion we do not intend to cast any reflection whatever upon the Chinese people.

GEORGE BELL,
Chairman of Municipal Committee.

Secretary of Municipal Committee.

Honourable John Oliver,
Parliament Buildings,
Victoria, B.C.

60930

No. 27.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 31.]

(No. 7.)

MY LORD DUKE,

Downing Street, 3rd January, 1921.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a Note* from the Chinese Minister in London, relative to the provisions of Section 13 of the British Columbia Municipal Act Amendment Act, ch. 63, of 1919.

2. It is recognized that the British Columbia Act is to the same effect as the Saskatchewan Act, ch. 17, of 1912, as amended, after representations by His Majesty's Government, by the Act, ch. 18, of 1912-3, but I may observe that the Chinese Government have of late shown considerable susceptibility over legislation specifically directed against Chinese persons and have, in particular, protested against the Chinese Poll Tax levied in New Zealand.

I have, &c.,
MILNER.

60930

No. 28.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 4th January, 1921.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of the 13th December,† enclosing a copy of a Note from the Chinese Minister protesting against certain legislation recently passed in British Columbia relating to the employment of white women in Chinese businesses, and to transmit to you, for the information of Earl Curzon of Kedleston, copy of a despatch‡ which has been addressed to the Governor-General of Canada on the subject.

2. It had not been understood in this Department that the policy hitherto adopted by His Majesty's Government in regard to Dominion legislation discriminating against Chinese *nominatim* could be described in the terms used in the second paragraph of your letter. It had rather been supposed that, generally speaking, special regard need not be paid to Chinese susceptibilities in this respect. For example, Poll taxes are levied on Chinese entrants both in Canada and in New Zealand, and a large part of the New Zealand Immigration Act of 1908 is taken up with provisions directed against Chinese *nominatim* which are left untouched by the recent amending Act. Moreover, the British Columbia legislation in ques-

* Enclosure in No. 26.

† No. 26.

‡ No. 27.

tion appears to be founded on the legislation in force in Saskatchewan, and it will be seen from the remarks in the next paragraph that this model may be regarded as having the approval of His Majesty's Government.

3. The Act originally passed by the Saskatchewan Legislature in 1912 extended to businesses owned, etc., by "any Japanese, Chinaman, or other Oriental person." In your letter of the 21st May, 1912,* it was pointed out that the Japanese might well feel resentment at the discrimination enforced against them and at being coupled under the terms of the Act with Chinese and other Oriental persons. In the despatch to the Governor-General of the 17th August, 1912,† which was approved by your letter of the 16th July,‡ the request was made that the Act should be amended so as to remove any discrimination by name against Japanese or British Indian subjects, but as regards Chinese, the despatch states: "As far as Chinese are concerned, His Majesty's Government recognize that in the absence of any Treaty engagements with China, and in view of the many precedents of Acts differentially affecting Chinese which have been passed and in which His Majesty's Government have acquiesced, it is not necessary to take exception to the terms of the Act." The result of the despatch to the Governor-General was the amendment of the Act so as to limit it to Chinese businesses only (*vide* the letter from this Department of the 18th February, 1913§).

4. As regards the position of Chinese in the Union of South Africa, it will of course be borne in mind that they are subject to the general legislation specially affecting Asiatics and coloured persons. This method of avoiding differentiation against Chinese *nominatum* could not, however, be adopted in British Columbia without raising the difficulties with India and Japan which had to be considered in connexion with the Saskatchewan Act of 1912.

I am, &c.,

HENRY LAMBERT.

60930

No. 29.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 30.]

SIR,

Downing Street, 11th January, 1921.

IN continuation of the letter from this Department of the 4th instant,|| relative to the protest of the Chinese Minister against the British Columbia Act relative to the employment of white women in Chinese businesses, I am directed by Viscount Milner to state that his attention has been called to the fact that the then Chinese Minister protested against the similar Saskatchewan Act in April, 1914 (*vide* your letter of the 7th April, 1914¶). A report of the Canadian Government on the subject was communicated to the Foreign Office on the 23rd March, 1915,** but there appears to be no record in this Department of the reply, if any, returned to the Chinese Minister.

I am, &c.,

H. J. READ.

3733

No. 30.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24th January, 1921.)

SIR,

Foreign Office, S.W.1, 21st January, 1921.

I AM directed by Earl Curzon of Kedleston to acknowledge the receipt of your letter of 11th January, 1921,†† on the subject of the protest of the Chinese Minister in April, 1914, against the Saskatchewan "Act to Prevent the Employment of Female Labour in Certain Capacities."

* No. 68 in Dominions No. 44. † No. 76 in Dominions No. 44. ‡ No. 74 in Dominions No. 44.
§ No. 88 in Dominions No. 44. || No. 28. ¶ No. 62 in Dominions No. 55. ** L.F. transmitting copy of No. 108 in Dominions No. 55. †† No. 29.

2. In reply, I am to state that it was not felt that the material contained in the Colonial Office letter of 23rd March, 1915,* was of such a nature as to enable His Majesty's Secretary of State for Foreign Affairs to return a reply which the Chinese Government would be likely to regard as satisfactory.

3. As therefore during the period between 2nd April, 1914, and 23rd March, 1915, Mr. Lew Yuk Lin, the Chinese Minister who made the protest, was replaced by Mr. Sao-Ke Alfred Sze, the present Chinese Minister, and Mr. Sze did not revert to the question, it was deemed best to leave the protest made in 1914 unanswered.

I am, &c.,

V. WELLESLEY.

15827

No. 31.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd April, 1921.)

(No. 175.)

SIR,

Government House, Ottawa, 17th March, 1921.

WITH reference to Lord Milner's despatch No. 7 of the 3rd January last,† with respect to the employment of white girls by Chinese, I have the honour to transmit, herewith, a copy of a report which the local Prime Minister of British Columbia has addressed to the Lieutenant-Governor of that Province in regard to this subject.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 31.

His Honour the Lieutenant-Governor,

Government House, Victoria, B.C.

MAY IT PLEASE YOUR HONOUR,

Victoria, 21st February, 1921.

IN the ordinary course of business, the Legislature, on the 5th of February, 1919, appointed a Select Standing Committee on Municipal matters. This Committee reported to the Legislature, recommending a Bill to amend the Municipal Act. Amongst the amendments recommended was the clause objected to by the Chinese Consul.

DURING the session of 1920, a Select Standing Committee on Municipal matters was again appointed, and the objections made by the Chinese Consul were placed before the Committee, whose Chairman advised me that the Committee was unanimously in favour of the retention of the clause. I have carefully read the communication from the Hon. Colonial Secretary to His Excellency the Governor-General and from the Secretary of State at Ottawa to Your Honour, and I do not see in any of these communications a request that the Legislature of British Columbia should rescind the section objected to. Should the Secretary of State at Ottawa or the Colonial Secretary request the Legislature of British Columbia to repeal the section objected to, I feel sure that such a request would have the most careful consideration.

I notice that the Chinese Consul claims that the legislation is *ultra vires*. Might I suggest that if such is the case an application to the Court would very soon dispose of this.

I shall again place the matter before the Select Standing Committee on Municipal matters, but I have no reason to think that the decision of this Committee will be different from what it was last year.

I am, &c.,

JOHN OLIVER.

* L.F. transmitting copy of No. 108 in Dominions No. 55. † No. 27.

15827

No. 32.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 33.]

SIR,

Downing Street, 12th April, 1921.

WITH reference to the letter from this Department of the 4th January,* I am directed to transmit to you, to be laid before Earl Curzon of Kedleston, a copy of a despatch† from the Governor-General of Canada forwarding a copy of a report by the Premier of British Columbia on the subject of the legislation recently passed in that Province relating to the employment of white girls in Chinese businesses.

2. In view of the considerations set out in the Colonial Office letter under reference, it hardly seems possible for His Majesty's Government to press for the repeal of the Act in question, and I am to suggest that in the circumstances it will suffice to inform the Chinese Minister in the sense of the last paragraph of Mr. Oliver's report.

I am, &c.,

G. GRINDLE.

19638

No. 33.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 22nd April, 1921.)

SIR,

Foreign Office, S.W.1, 21st April, 1921.

I AM directed by Earl Curzon of Kedleston to acknowledge the receipt of the Colonial Office letter of 12th April, 1921,‡ forwarding copy of a despatch from the Governor-General of Canada, covering a report by the Premier of British Columbia regarding legislation in that Province prohibiting the employment of white women or girls in Chinese businesses.

2. With regard to the suggestion that the Chinese Minister might be informed in the sense of the last paragraph of Mr. Oliver's report, I am to invite attention to the precise similarity of the position at the present time to that existing in 1915, as set forth in the Foreign Office letter of 21st January, 1921.§ Mr. Sao-Ke Alfred Sze, the Chinese Minister, who made the original representations in the present instance, has now been replaced by Mr. V. K. Wellington Koo, who may possibly not revert to the subject.

3. As, therefore, it is difficult from the material furnished in the report by the Premier of British Columbia to frame a reply which the Chinese Government would be likely to regard as satisfactory, Lord Curzon does not propose to address any communication to the present Chinese Minister, unless he himself raises the question.

I am, &c.,

MILES W. LAMPSON.

(d) Chinese Immigration into Canada.

61215

No. 34.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.15 a.m., 15th December, 1920.)

TELEGRAM.

[Answered by Nos. 35 and 36.]

14TH DECEMBER. Under Canadian-Chinese Immigration Act Chinese merchants who are in possession of certificates of identity issued by Government of China, and endorsed by viséd British Consular officials, are admissible to Canada

* No. 28.

† No. 31.

‡ No. 32.

§ No. 30.

exempt from head tax of 500 dollars. Within recent months practice has grown up, and is now widespread, of issuing these certificates with endorsement of British Consular officers to Chinese labourers; as a natural consequence Canadian law is being evaded in wholesale way. Owing to labour conditions existing in British Columbia, and feeling of residents of that Province, it is imperative that measures be taken to put end to irregular practices now prevailing. My Ministers desire to urge on Imperial Government desirability of instructing all British Consular officers in China, by telegraph, to postpone endorsing certificates as above mentioned until such time as officer of Canadian Immigration Department has opportunity to proceed to China to investigate whole situation. My Ministers ask that Government of Canada may be informed by telegraph of any decision arrived at in this matter.—DEVONSHIRE.

62873

No. 35.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.50 p.m., 24th December, 1920.)

TELEGRAM.

24TH DECEMBER. Your telegram 14th December,* Chinese Immigration. Secretary of State for Foreign Affairs has telegraphed to His Majesty's Minister, Peking, with a view to issue of instructions to Consuls in sense desired.—MILNER.

4126

No. 36.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.20 p.m., 27th January, 1921.)

TELEGRAM.

[Answered by No. 37.]

My telegram 24th December,† Chinese Immigration. Following received from His Majesty's Minister, Peking:—

Begins: I have called for a report from all Consular Officers and have instructed them to exercise particular care and to withhold visas unless they are satisfied that applicants belong to one of the categories admitted under Canadian-Chinese Immigration Acts as free from tax. Unless instructed by you to do so I should be loath to give instructions for withholding of all visas, as such drastic action would evoke much discontent among Chinese students and other bona fide travellers. *Ends.*

Should be glad to receive the observations of your Ministers as soon as possible.—MILNER.

5772

No. 37.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.15 p.m., 4th February, 1921.)

TELEGRAM.

[Answered by No. 38.]

4TH FEBRUARY. Your telegram 27th January,‡ Chinese Immigration. It is earnestly requested that British Consuls in China withhold their visa until officer of Canadian Immigration Department who is being immediately despatched to China, sailing 10th February, has opportunity of consulting British Consuls on the matter. In the meantime it might be pointed out that withholding visa does not mean that Chinese without passports so endorsed cannot enter Canada, but simply that Canadian Immigration Department can refuse entry to those Chinese who do not comply with law.—DEVONSHIRE.

* No. 34.

† No. 35.

‡ No. 36.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.40 p.m., 11th February, 1921.)

TELEGRAM.

11TH FEBRUARY. Your telegram 4th February,* Chinese Immigration. His Majesty's Minister at Peking is being requested to issue necessary telegraphic instructions to British Consuls, but Secretary of State for Foreign Affairs thinks it most desirable that any possible friction of nature contemplated in telegram from His Majesty's Minister at Peking, communicated in my telegram 27th January,† should be dispelled at earliest possible moment, and he suggests that telegram should be sent by your Government to await in Shanghai arrival of officer of Canadian Immigration Department, instructing him to proceed at once, on arrival, to Peking and discuss whole question with Minister.—SECRETARY OF STATE FOR THE COLONIES.

II. AUSTRALIA.

(a) Correspondence relating to admission into Australia of wives and children of Indians domiciled in the Commonwealth.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th August, 1920.)

[Answered by Nos. 41, 42, 43 and 44.]

(No. 175.)

MY LORD,

Governor-General's Office, Melbourne, 15th June, 1920.

WITH reference to your despatch of the 30th August, 1919, No. 318,‡ relative to reciprocity of treatment between India and the Dominions, I have the honour, at the instance of my Prime Minister, to inform your Lordship, in regard to the right of an Indian permanently domiciled in Australia to introduce his wife and minor children, that the suggested method of procedure has been adopted.

I forward herewith, for your Lordship's information, copies of forms§ on which an Indian applicant in the Commonwealth will be required to furnish particulars regarding himself and his wife and children (Form 39A), or one child only (Form 39B). These forms are to be furnished in duplicate and accompanied by photographs of the applicant and of his wife and children, or child, whose admission is desired.

It is proposed that after the Commonwealth authorities have satisfied themselves as far as possible that the applicant's statements regarding himself are correct, that he bears a good character, and that he has not a wife already in Australia, one of the forms with photographs shall be transmitted, as suggested in your Lordship's despatch, to the authorities in India to verify and grant, or withhold, as the case might be, the necessary certificate.

I shall be glad to learn, for the information of the Commonwealth Department of Home and Territories, which is charged with the administration of the Commonwealth Immigration Act, to whom in India these applications should be forwarded for attention, and also to what local officials in India an applicant (while on a visit to his native country) or his relatives should apply for advice or information on matters of this kind.

I have, &c.,

R. M. FERGUSON.

Governor-General.

* No. 37.

† No. 36.

‡ No. 20 in Dominions No. 70.

§ Not reprinted.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.25 a.m., 11th September, 1920.)

TELEGRAM.

11TH SEPTEMBER. My despatch 15th June, No. 175,* reciprocity, India and Dominions. Would be glad to receive early reply to last paragraph regarding respective officials to whom Commonwealth Department should forward applications and to whom applicants should be referred while in India. Several Punjab cases now under consideration.—GOVERNOR-GENERAL.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 45.]

(No. 382.)

SIR,

Downing Street, 18th September, 1920.

WITH reference to Your Excellency's despatch No. 175 of the 15th June,* relative to the procedure to be adopted for regulating the admission of the wives and minor children of Indians domiciled in the Commonwealth, I have the honour to request you to inform your Ministers that earlier in this year the Government of India expressed a preference for a method of procedure differing in certain respects from that communicated to you in my despatch No. 318 of the 30th August, 1919.†

2. The Secretary of State for India has suggested that it may be equally agreeable to the Commonwealth Government to adopt this new procedure in lieu of that to which they have already signified their consent, and I should accordingly be glad to be informed whether your Ministers would have any objection to the substitution of this procedure, which has been adopted by the Canadian Government, in the event of the Government of India expressing a marked preference for it.

I have, &c.,

MILNER.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 2nd October, 1920.)

TELEGRAM.

YOUR telegram 11th September,‡ reciprocity India and Dominions. No objection to procedure proposed in your despatch of 15th June, No. 175,* as temporary arrangement. Official to be addressed in India should be District Officer of district or Political Officer in Native State in which family of applicant reside. Applicants on visit to India should apply for advice to same authorities. Understood, however, that Government of India may prefer as permanent arrangement somewhat different procedure—see my despatch of 18th September, No. 382.§ As regards this despatch please await further papers.—MILNER.

* No. 39.

† No. 20 in Dominions No. 70.

‡ No. 40.

§ No. 41.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 411.)

SIR, Downing Street, 4th October, 1920.
 WITH reference to my despatch No. 382, of the 18th September,* regarding the procedure to be adopted for regulating the admission of the wives and minor children of Indians domiciled in the Commonwealth, I have the honour to request Your Excellency to inform your Ministers that I regret that the particulars of the alternative procedure mentioned, which I had intended to forward, appear to have been inadvertently omitted. I now enclose a copy of an extract from a despatch from the Indian Government explaining the procedure recommended by them which, as I stated in the despatch under reference, has been adopted in the case of Canada.

2. The Secretary of State for India has communicated to the Government of India a copy of your despatch No. 175, of 15th June,† and has asked them to telegraph their views regarding the two alternative methods of procedure at the earliest possible date.

I have, &c.,

MILNER.

Enclosure in No. 43.

(Extract.)

Delhi, 19th February, 1920.

2. The procedure which we would recommend, if acceptable to the Governments of the Dominions, is as follows:—

(1) The husband or father resident in the Dominions should apply in the prescribed form to the immigration authorities or to the local Magistrate for a certificate that he is at liberty to bring in his wife or children from India.

(2) The certificate, when obtained, should be transmitted by him to his wife or children in India, together with his application for a certificate of relationship, for production before the principal local Magistrate in India.

(3) After local inquiry, the principal local Magistrate should issue a certificate of relationship in the prescribed form.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 46.]

(No. 4.)

MY LORD, Downing Street, 5th January, 1921.

WITH reference to my despatch No. 411, of the 4th of October last,‡ regarding the procedure to be adopted for regulating the admission of the wives and minor children of Indians domiciled in the Commonwealth, I have the honour to request Your Excellency to inform your Ministers that a telegram has now been received from the Government of India stating that they have no objection to the adoption of the procedure described in your despatch No. 175, of the 15th June, 1920.†

2. The authorities in India, with whom the Chief Secretaries of the Department of Home and Territories should correspond, are the Chief Secretaries of the Governments of Provinces or the Political Officers in the Indian States in which the applicant's relatives reside. An applicant on a visit to India, or to relatives in India, should apply for advice to the same authorities, or to the authorities of the district in which he or they may reside.

* No. 41. † No. 39. ‡ No. 43.

3. The Chief Secretaries of the principal Provinces in India are as follows:—
 The Chief Secretary to the Government of Bengal.
 The Chief Secretary to the Government of Madras.
 The Chief Secretary to the Government of Bombay.
 The Chief Secretary to the Government of United Provinces.
 The Chief Secretary to the Government of Behar and Orissa.
 The Chief Secretary to the Government of Punjab.
 The Chief Secretary to the Government of Central Provinces.
 The Chief Secretary to the Government of Assam.
 The Chief Secretary to the Government of Burma.

In the case of the North-West Frontier Provinces the Secretary to the Chief Commissioner should be addressed. The Chief Political Officers in the more important Indian States would be:—

- The Agent to the Governor-General, Baluchistan.
 The Agent to the Governor-General, Central India.
 The Agent to the Governor-General, Rajputana.
 The Resident, Baroda.
 The Resident, Hyderabad.
 The Resident, Kashmir.
 The Resident, Mysore.

In the case of States falling within the political jurisdiction of Local Governments, the Local Government concerned should be addressed.

Some of the more important States coming under this category are:—

Bengal:—

Cooch Behar.

Bombay:—

- Kolhapur.
 Cutch.
 Khairpur.
 Bhavnagar.
 Dhrangadhra.
 Navanagar.
 Junagadh.
 Idar.

Madras:—

- Travancore.
 Cochin.

Punjab:—

- Jind.
 Nabha.
 Patiala.
 Bahawalpur.
 Kapurthala.

United Provinces:—

- Rampur.
 Benares.

4. The case of a subject of the State of Nepal should be referred to the British Envoy at the Court of Nepal, Kathmandu, Nepal.

5. In any case of doubt, reference should be made to the Political Secretary, Government of India.

6. The Government of India observe that there may be difficulty in insisting that the form of application from an Indian domiciled in Australia should be accompanied by a photograph of the applicant's wife, especially in the case of a Mohammedan applicant. The Government of India have expressed the hope (which is shared by the Secretary of State for India) that this condition may be waived; and I should be glad to learn whether your Ministers could see their way to dispensing with it. It may be mentioned, in this connexion, that arrangements have been made to dispense with the necessity of photographs on the passports of Purda Nashin women travelling between India and the East African and certain other Colonies.

I have, &c.,

MILNER.

1539

No. 45.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 10th January, 1921.)

(No. 441.)

My LORD, Governor-General's Office, Melbourne, 29th November, 1920.
 REFERRING to your despatch No. 382, dated the 18th September, 1920,* relative to the procedure to be adopted for regulating the admission of the wives and minor children of Indians domiciled in the Commonwealth, I have the honour to inform Your Lordship that I am advised by my Prime Minister that the Commonwealth Government has no objection to the substitution of the procedure preferred by the Government of India for that communicated in your despatch No. 318 of the 30th August, 1919;† and that arrangements will be made accordingly.

I have, &c.,

FORSTER,
 Governor-General.

18853

No. 46.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th April, 1921.)

[Answered by No. 49.]

(No. 91.)

SIR, Governor-General's Office, Melbourne, 15th March, 1921.
 WITH reference to Viscount Milner's despatch of the 5th January, 1921, No. 4,‡ respecting the procedure to be adopted for regulating the admission of the wives and minor children of Indians domiciled in the Commonwealth, I have the honour to invite your attention to my despatch of the 29th November last, No. 441,§ intimating that the Commonwealth Government was prepared to adopt the new method of procedure specified in Viscount Milner's despatch of the 18th September, 1920, No. 382,|| and that arrangements would be made accordingly.

In connexion with the adoption of the new procedure it has already been decided that Indians need not supply photographs of their wives and children when applying for permission to bring them to Australia.

With regard to the issue of certificates of relationship in respect of the wives and children, my Ministers are of opinion that it is desirable to show some means of identification on the documents, but they will raise no objection to photographs being dispensed with in cases where the Government of India considers such a course advisable.

I have, &c.,

FORSTER,
 Governor-General.

18853

No. 47.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 48.]

SIR, Downing Street, 27th April, 1921.
 WITH reference to your letter of the 18th January,† and previous correspondence, I am directed by Mr. Secretary Churchill to transmit to you, for the information of Mr. Secretary Montagu, a copy of a despatch** from the Governor-General of the Commonwealth of Australia, regarding the procedure for regulating the admission into the Commonwealth of the wives and children of Indians domiciled there.

* No. 41. † No. 20 in Dominions No. 70. ‡ No. 44. § No. 45. || No. 41.

† 3020: not printed: stating that in view of No. 44 it was considered unnecessary to send No. 45 to the Government of India. ** No. 46.

2. It will be observed that the Commonwealth Government has already adopted the method of procedure mentioned in paragraph 2 of your letter of the 6th September, 1920.* In view of the fact that this method of procedure was approved in the case of Canada, and suggested to the Commonwealth Government as a scheme which the Government of India would possibly prefer, it is presumed that it will not be necessary to suggest to the Commonwealth Government that their procedure should be changed.

I am, &c.,

HENRY LAMBERT.

21585

No. 48.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd May, 1921.)

SIR, India Office, Whitehall, London, S.W.1, 2nd May, 1921.
 I AM directed by the Secretary of State for India to acknowledge receipt of Sir Henry Lambert's letter, dated 27th April, 1921,† regarding the procedure for regulating the admission into the Commonwealth of Australia of the wives and minor children of Indians domiciled therein.

Mr. Secretary Montagu notes that the Commonwealth Government have already adopted the method of procedure originally suggested by the Government of India in their despatch of 19th February, 1920,‡ and agrees that it is not necessary to suggest any change.

I am, &c.,

J. E. FERARD.

Secretary, Judicial and Public Department.

39523

No. 49.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 306.)

My LORD, Downing Street, 12th August, 1921.
 IN reply to Your Excellency's despatch No. 91, of the 15th March,§ I have the honour to transmit to you, to be laid before your Ministers, a copy of a letter from the Commerce Department, Government of India, regarding the agreed procedure for admission into Australia of the wives and minor children of domiciled Indians.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 49.

(No. 66.)

Government of India, Department of Commerce,

Simla, the 14th July, 1921.

Subject.—Decisions arrived at by the Government of the Commonwealth of Australia to give effect to the Immigration Reciprocity Resolution of the Imperial War Conference, 1918.

SIR, WITH reference to despatch No. 94, Public, dated 19th May, 1921, from the Right Honourable the Secretary of State for India, I am directed to forward, for

* 4439: not printed: the purport of the India Office letter was communicated to the Governor-General in No. 41. † No. 47. ‡ Enclosure in No. 7. § No. 46.

information, a copy of a letter which has been addressed to all local Governments and Administrations, No. 1402-S, dated the 8th July, 1921, with enclosures.

I have, &c.,

R. B. EWBANK,
For Secretary to the Government of India.

The Under Secretary of State for India,
Industries and Overseas Department,
London.

(No. 1402-S.)

R. B. EWBANK, ESQUIRE, I.C.S., DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA,
TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Government of India, Department of Commerce,

Simla, the 8th July, 1921.

SIR,

IN continuation of my letter No. 835-S, dated the 30th May, 1921, I am directed to state that the Government of the Commonwealth of Australia has accepted Resolution XXI passed by the Imperial War Conference, 1918, and, in order to give effect to it, has agreed to adopt the following procedure regulating the admission into Australia of the wives and minor children of domiciled Indians.

2. The husband or father resident in Australia, who desires to obtain a certificate of relationship from a magistrate in India in order to secure the admission into the Commonwealth of his wife or minor children should, in the first instance, apply in the prescribed form to the immigration authorities or to the local magistrate in Australia for a certificate that he is at liberty to bring his wife or children from India into the country. Such a certificate, when obtained, should be transmitted by the husband or father to his wife or children in India, together with an application for a certificate of relationship signed by him for production before the principal local magistrate in India, viz., the Chief Presidency Magistrate in a Presidency Town, the Political Officer in an Indian State, or the District Magistrate elsewhere. The principal local magistrate in India, on receipt of such an application, and on production before him of the certificate issued in Australia, will institute an inquiry, either personally or through an officer not below the rank of a third-class magistrate, regarding the truth of the facts stated in the application. If he is satisfied as to the alleged relationship, he will grant a certificate of relationship in the form* appended to this letter. This certificate should be handed over to the persons who have applied for it, and should be presented by them to the immigration authorities at the port of entry in Australia.

3. It has been decided that Indians need not supply photographs of their wives and children when applying for permission to bring them into Australia. In the absence of such photographs, it is desirable that, as far as possible, effective means of identification may be indicated on the certificate of relationship. Where the necessity arises for direct correspondence on the subject of the admission of the wives and minor children of domiciled Indians into Australia, the Commonwealth Department of Home and Territories has been instructed to correspond direct with the Chief Secretaries of Local Governments, and with the Agents to the Governor-General of Residents in charge of Indian States.

4. I am to add that the Commonwealth Government have also agreed that Indian merchants, students, or tourists with their wives should be admitted to the Commonwealth on passports, and permitted to remain there indefinitely so long as they continue in the capacity in respect of which their passport was issued. In order that there may be no doubt as to the meaning which the Commonwealth Government attaches to the term "merchant," that Government has explained that it does not consider the term to cover retail shopkeepers as such, or hawkers, but that its application is confined to persons engaged in the wholesale overseas trade between India and Australia.

I have, &c.,

R. B. EWBANK,
Deputy Secretary to the Government of India.

* These forms are identical with those in enclosure in No. 19.

(b) Correspondence relating to the Queensland Sugar Cultivation Act of 1913, and Banana Industry Preservation Act of 1921.

58029

No. 50.

QUEENSLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 51.)

SIR,

Downing Street, 22nd October, 1919.

WITH reference to my despatch No. 36 of the 7th June, 1916,* regarding the position of Indians and Japanese in Queensland, I have the honour to state, for the information of your Ministers, that a communication on the subject has been received from the Secretary of State for India drawing attention to "The Brisbane Courier" of the 24th January, 1919, which publishes an account of an interview which Mr. Pooran Dabee Singh had with your Minister for Agriculture. It appears that the present complaint of injustice is not based on the operation of the Regulation of Sugar Cane Prices Act, or on any alleged inequality of treatment of Indians and Japanese in regard to employment in the mills, but arises from the refusal to grant to Indians the permits to work in the sugar fields required under the Sugar Cultivation Act, 1913. The Minister for Agriculture is reported to have said that he would refuse to issue any further permits.

It is observed that Regulation No. 3 (7) issued under the Sugar Cultivation Act, provides that certificates of exemption from the dictation test, otherwise imposed, may be granted to certain classes of persons (which might include Indians), but that under the additional Regulation 6 (a), dated 9th April, 1915, such certificates may be cancelled by the Secretary for Agriculture, without assigning any reason for such cancellation, and are granted only for such periods as he shall think fit.

The Secretary of State for India expresses the hope that in any action taken under the wide discretion conferred by this Regulation the desirability of administering the Act in a generous spirit, which was referred to in Lord Harcourt's despatch No. 116, of 23rd October, 1913,† will be maintained at any rate in regard to existing cultivators.

I should be glad if you will inform me of the present policy of the Government of Queensland in this matter.

I have, &c.,

MILNER.

1991

No. 51.

QUEENSLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 7.)

SIR,

Downing Street, 26th January, 1920.

WITH reference to my despatch No. 59, of the 16th December, 1919,‡ I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a letter from the Indians Overseas Association, on the subject of the repeal or modification of the Queensland Sugar Cultivation Act of 1913, and of the Regulations thereunder.

I have, &c.,

(For the Secretary of State).

L. S. AMERY.

* No. 67 in Dominions No. 63. † No. 58 in Dominions No. 44. ‡ 70427: not printed: it transmitted copies of the Judgment in the Appeal case Addar Khan and others v. John Mullins: see page 39.

Enclosure in No. 51.

Indians Overseas Association,
47-48, Danes Inn House, 265, Strand,

London, W.C.2, 9th January, 1920.

SIR,

My Association has welcomed the character of the reply, dated the 14th April last, of the Australian Government to the Secretary of State's despatch of the 28th August, 1918, regarding the reciprocity of treatment between India and the Dominions.

2. My Association observes that the Australian Government are of the opinion that the main points of internal Australian administration, which create a differentiation between Indian and Australian-born persons, appear to be to (i) exclusion from the Parliamentary Franchise, and (ii) exclusion from the privileges of the Old Age Pension Law.

3. My Association observes further that the Commonwealth Government cannot see its way at present to admit Indians to the Parliamentary Franchise, but in regard to the Old Age and Invalid Pensions legislative proposals will be submitted as soon as possible to place Indians on an equality with the other British subjects.

4. There is, however, at least one other matter of administrative, if not of statutory, disability under which Indians in the State of Queensland labour of which the Commonwealth Government has failed to take note, possibly (my Association is unable to say whether this is so or not) because the matter is one under the immediate jurisdiction of the State of Queensland rather than that of the Commonwealth Government.

5. In view, however, of the assurance conveyed by the Commonwealth Government to the Government of India of their sincere desire to work in most complete harmony with the latter in regard to all matters arising out of their agreement reached at the Imperial Conference, my Association desires to place the following facts before you, and to request that His Majesty's Government will make such representations thereon at an early date as may result in the removal of the disability therein referred to.

6. There was heard recently before the Judicial Committee of the Privy Council the Appeal (No. 78, of 1919) of Addar Khan and others from a Judgment of the full Court of the Supreme Court of Queensland, and on the 2nd ultimo Judgment was delivered (of which I have the honour to enclose herewith a copy) dismissing the Appeal. From the facts set forth in the Record before Their Lordships, and from the information of my Association, it would appear that some years ago there was a great outcry on the part of the White workers in Queensland against the development of the sugar industry by cheap coloured labour. Accordingly, in 1913, the Queensland Sugar Cultivation Act was passed, providing *inter alia* that any person who had not first obtained a certificate of having passed the dictation test in a European language, and who was employed in or in connexion with the industry of the cultivation of sugar-cane and the manufacture of sugar therefrom, should be guilty of an offence. The Governor-in-Council was empowered to make regulations for the exemption from the operation of the Act of any person or classes of persons whom for any reason it was considered unnecessary to examine. In accordance with these provisions, Regulations were framed, providing for the exemption of certain classes of persons, the granting of certificates of exemption to persons so exempted, the examination of and granting certificates to all persons other than those who were exempted from the operation of the Act or who were holders of such certificates of exemption and who desired to be employees in or in connexion with this industry. Provision was also made for the production, upon the demand of any member of the Police Force, of a certificate of having passed the dictation test or of exemption. Among the persons or classes of persons exempted were those, whom, by reason of long residence, either in Queensland or the Commonwealth or who had a lawful wife or family residing within Queensland, it was not considered necessary to examine under the Act and these Regulations, and to whom the Secretary of Agriculture had granted a certificate of exemption. It was further provided that any person who desired to apply for exemption must apply on or before 31st December, 1913, and that no certificate of exemption should be granted unless application therefor had been made before that date.

7. In August, 1918, the Indian appellants in the above-mentioned Appeal were summoned to appear before the local Police Magistrate for working as

employees on a local sugar-cane farm without possessing or producing the necessary certificate. They stated that they had worked for a number of years cutting cane and did not have certificates before, nor did they intend to obtain them. They entered further technical defences which are dealt with in the Judgment herewith enclosed. In the result they were fined each £1 and costs. Against this conviction they unsuccessfully appealed to the Supreme Court of Queensland, which eventually gave leave to appeal to the Privy Council, and, as stated above, the Privy Council has now advised the dismissal of the Appeal, with costs.

8. It would appear that the first appellant, a Punjabi, claimed to be resident in Queensland, to be married to a White woman, and to have three infant children by her. He declared that since his conviction he had been deprived of his means of livelihood as a sugar-worker, and as the district in which he resided was almost entirely given up to the cultivation of sugar-cane, he was unable to earn his living otherwise than by doing casual labourer's work, which did not enable him to earn sufficient to take his family to some more favourable place for earning a livelihood. Many other Indians are reported to have been similarly deprived of their livelihood by this decision. A local European sugar-farmer has stated that the whole of the sugar industry will suffer serious loss by the withdrawal of these skilled coloured labourers, who are accustomed to work in a tropical climate, whilst great unrest will naturally be created among the labourers affected.

9. The special significance of this episode lies in the fact that the prosecutions were instituted by the Attorney-General's express orders, and that all the persons affected by this decision are subject to the provisions of the award under the Industrial Arbitration Act relating to the sugar industry, and are entitled to and do receive the same wages and are subject to the same conditions as ordinary European cutters.

10. My Association is under the belief that this legislation was enacted and the regulations thereunder promulgated with a view to preserve the economic standards of a White Australia. It is clear, however, that the above-mentioned prosecutions were instituted, not in order to prevent the underselling of expensive White labour by cheap coloured labour, but purely as an expression of racial prejudice since there was here no differentiation of economic standard, either as regards pay or conditions of labour, in favour of the Indian cane-cutters and to the disadvantage of the White cane-cutters, and in my Association's respectful opinion this episode is calculated to re-awaken the fear that is ever uppermost in the minds of the people of India, namely, that legislation and administration in the self-governing Dominions adversely affecting the resident Indian population therein is not always and not necessarily based solely upon economic considerations.

11. My Association, however, is of opinion that the Commonwealth Government would be anxious to remove such an impression, and it therefore urges the prompt repeal or modification of the legislation and regulations complained of, in order that Indian sugar-workers shall be placed in a position of complete and effective equality with their European fellow workers.

I have, &c.,

HY. S. L. POLAK,
Hon. Secretary.

The Under Secretary of State,
Colonial Office, S.W.1.

PRIVY COUNCIL APPEAL NO. 78, OF 1919.

ADDAR KHAN AND OTHERS (Appellants) v. JOHN MULLINS (Respondent)
from

THE SUPREME COURT OF THE STATE OF QUEENSLAND.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL,
DELIVERED THE 2ND DECEMBER, 1919.

Present at the Hearing:

VISCOUNT FINLAY.

LORD SUMNER.

LORD PARMOOR.

THE LORD JUSTICE CLERK.

(Delivered by LORD PARMOOR.)

THIS is an appeal from a judgment of the Full Court of the Supreme Court of Queensland. In August, 1918, the appellants were summoned to appear at the

Police Court at Cairns to answer to a complaint under the Sugar Cultivation Act, 1913, that they were employed in the cultivation of sugar cane, and the manufacture therefrom of sugar, not having first obtained a certificate of having passed the dictation test within the meaning of the Act, and not being exempted from the operation of the said Act by the regulations made thereunder. At the hearing, before the Magistrate, evidence was given on behalf of the prosecution that the appellants were Indians, working, without having obtained a certificate of exemption under the dictation test, at cutting cane for Charles Butler, a farmer residing at Edmonton, and were being paid so much a ton, on contract work. No evidence was called on behalf of the appellants, but the objections were taken:—

1. That the men were not employed under the Sugar Cultivation Act of 1913.

2. That the men were not engaged in sugar cultivation, but in harvest work.

The appellants were convicted, and, on the 8th October, 1918, appealed from such conviction on motion to the Full Court of the Supreme Court of Queensland for orders to show cause why their respective convictions should not be set aside. On the same day the Supreme Court refused the applications.

At the hearing of the appeal before Their Lordships, the counsel for the appellants, in his clear argument, raised three questions:—

1. That the Sugar Cultivation Act, 1913, did not apply to persons employed to cut cane by contract.

2. That no evidence was given by the prosecution that the appellants did not come within the exemption regulations.

3. That the appellants were wrongly prevented from applying for exemption by Regulation No. 15.

Section 4 of the Sugar Cultivation Act of 1913 enacts that any person who has not first obtained a certificate of having passed the dictation test, and who is employed in or in connexion with the industry of the cultivation of sugar-cane and the manufacture therefrom of sugar, shall be guilty of an offence and liable to penalties. Their Lordships are of opinion that each of the appellants was so employed, but it was argued on their behalf that the penalties were only imposed on an employee, and that the persons, working under contract, did not come within this definition. The expression "employee" in the Sugar Cultivation Act of 1913 has the same meaning as in the Industrial Peace Act of 1912. In this Act an employee, unless the context otherwise indicates, means an employee, whether on wages or piecework rates, in any calling to which the Act applies, the term including any person whose usual occupation is that of employee in such calling. Mr. Slade contended on behalf of the appellants that this definition denoted the relationship of master and servant, and only applied to a person working as servant on wages or piecework rates, to the exclusion of a person working on contract. Owing to subsequent legislation it is not necessary to determine this question, it must not be assumed that Their Lordships would be prepared to assent to this argument.

By the Industrial Arbitration Act of 1916, the Industrial Peace Act of 1912 is repealed; and the term "employee" is defined to mean any employee whether on wages or piecework rates or as a member of a *butty-gang*, the term including any person whose usual occupation is that of employee in a calling, the fact that a person is working under a contract for labour only or substantially for labour only, not in itself preventing such person being held to be an employee. The appellants are persons who in their usual occupation were employed in the cutting of cane, and they were working under a contract for labour only or substantially for labour only, so that if the modified definition is applicable, the fact that the appellants were working under such a contract would not exempt them from the operation of the Sugar Cultivation Act of 1913, or be an answer to the charge in the summons.

It is enacted in the Acts Shortening Act of 1867 that where an Act repeals and re-enacts with or without modification any provisions of a former Act, references in any other Act to the provisions so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted. The Industrial Arbitration Act, 1916, does repeal the Industrial Peace Act of 1912, and re-enacts with modification the definition of "employee" contained in that Act. The reference therefore in the Sugar Cultivation Act of 1913 to the definition of "employee" in the Industrial Peace Act of 1912 must be construed as a reference to the definition of the employee as re-enacted in the Industrial Arbitration Act of 1916. The

result is that the contention of the appellants that they were not employees, owing to the fact that they were working under contract, cannot be sustained.

On the second question it is clear that, if the appellants desired to claim that they came within the Exemption Regulations, it was for them to produce the necessary evidence. No such evidence was produced, and, so far as appears, no such point was raised at the hearing before the Magistrate. On the third question, it was argued that Regulation 15—which provides that any person to whom the Sugar Cultivation Act of 1913 applies who desires to apply under Regulation 4 for a certificate of exemption must apply for such exemption to a Clerk of Petty Sessions on or before the 31st December, 1913, and that no certificate for such exemption should be granted unless application therefor should be made on or before the said date—wrongly prevented the appellants from applying for exemption. Whatever the effect of this regulation may be, it has, upon publication in the *Gazette*, the same effect as if enacted in the Act, and is not open to be questioned in any proceeding whatsoever. It was not suggested that the regulation was beyond the power of the Governor-in-Council, or that there was any irregularity in the method of its publication.

In the opinion of Their Lordships the appeal should be dismissed with costs, and they will humbly advise His Majesty accordingly.

2601

No. 52.

QUEENSLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 8.)

SIR,

Downing Street, 26th January, 1920.

WITH reference to my despatch No. 51, of the 22nd October, 1919,* I have the honour to state, for the information of your Ministers, that a communication has been received from the Secretary of State for India stating that his attention has been called to an aspect of the Regulations made under the Queensland Sugar Cultivation Act of 1913, disclosed in the recent appeal to the Privy Council, the judgment in which was enclosed in my despatch No. 59, of the 16th December.†

The Regulations published in the Queensland Government *Gazette*, on 16th October, 1913, provided for the grant of certificates of exemption from the dictation test to certain classes of persons on the receipt of applications in the prescribed form, but by an additional Regulation published on the 27th November, 1913, it was provided that such applications should be made on or before 31st December, 1913. The Secretary of State for India considers that the effect of this Regulation, published at such short notice as additional to the main Regulations, may conceivably have been to deprive Indians in some cases, through no fault of their own, of exemptions for which they would otherwise have been eligible. He has accordingly requested that this aspect of the Regulations may be brought to the notice of your Government in connexion with the inquiry which was addressed to you in the despatch under reference.

I have, &c.,

(For the Secretary of State).

L. S. AMERY

58891

No. 53.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 28th November, 1921.)

(No. 31.)

(Extract.)

SIR,

Government House, Brisbane, 4th October, 1921.

I HAVE the honour to transmit herewith a parchment copy and the number of

* No. 50.

† 70427: not printed: see footnote † on page 37.

printed copies, required for the Colonial Office and the Houses of Lords and Commons, of the undermentioned Acts passed during the Second Session of the Twenty-Second Parliament of this State:—

No. 3. "The Banana Industry Preservation Act of 1921."

2. No. 3 Bill provided that no occupier of land in Queensland, who has not passed a dictation test in such language as the Secretary for Agriculture may direct, is allowed to engage in the clearing or preparing of land for the cultivation of bananas or the planting or cultivating of the plants, or the harvesting of bananas. No person who has not passed such a test can be employed on this work. The maximum fine for an occupier who contravenes the Act is £100, for an employer £10 or £5 for each day of employment, according to whether the employer is a firm or individual, and for an employee 40s. for each such day. Persons or classes of persons may be exempted by regulations made by Order in Council.

3. The Bill was initiated and read a first time on the 2nd September. On the second reading, on the 9th of that month, the Secretary for Agriculture explained that it was an adaptation of the Sugar Cultivation Act of 1913 and would enable white growers of bananas to be secured against the competition of Chinese growers in Queensland, if, as has been proposed, a protective duty of either 4s. 2d. or 8s. 4d. per cental is put on bananas by the Commonwealth Parliament. Mr. Gillies stated that there were some 1,300 growers mainly along the coast of Queensland, south of Maryborough, and that in 1920 1,184,210 bunches, valued at £356,000 were taken from 8,900 acres. There were not many Chinese engaged in the industry now, but they were gradually entering it again in Queensland, as they were doing, to an alarming extent, just over the border. The Secretary for Agriculture gave an assurance on behalf of the Government that it was "not their intention to interfere with any person engaged in the industry at the present time." All the members who spoke favoured the measure as having for its object the preservation of a promising industry to the white manhood of Queensland, and its suitability for returned soldiers was several times mentioned. Two or three members suggested that there should be some provision to prevent harsh treatment of men who were at the present time cultivating bananas, but on the Secretary for Agriculture assuring that there would be no such treatment the Bill passed through Committee without amendment. It was read a third time, without debate, on 13th September.

4. In the Legislative Council it was read a first time, without debate, on the 21st September, and a second time, after a few words of explanation on the following day, when it also passed through Committee without amendment. On the 27th, on the motion for the third reading, objection was raised by a member to the wide powers given to the Minister and to the severe nature of the penalties which might be inflicted on a casual worker who engaged in banana cultivation without having passed the dictation test. In the course of his reply, the Secretary for Mines repeated the assurance given in the Legislative Assembly that the Bill would not apply to those already engaged in the industry. The Bill was then passed.

I have, &c.,
MATTHEW NATHAN,
Governor.

61432

No. 54.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 12th December, 1921.)

(No. 42.)

SIR, Government House, Brisbane, 4th October, 1921.
I HAVE the honour to enclose a copy of Regulations* made in Executive Council this day under Section 5 (a) of the Banana Industry Preservation Act of

* Not printed here.

1921, of which copies were covered by my despatch No. 31, of the 4th ultimo.* It will be observed that the Regulations give effect to the promises made in both Houses in the course of the debate on the Bill that the Act should not apply to those already engaged in this industry.

I have, &c.,
MATTHEW NATHAN,
Governor.

III. NEW ZEALAND.

(a) Admission of Chinese into New Zealand.

43967

No. 55.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd September, 1920.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, in transmitting herewith, by direction of the Secretary of State, copy of a note from the Chinese Minister, dated 30th August, on the subject of the admission of Chinese subjects into New Zealand, would be glad to be advised what answer should be returned to the Chinese Minister.

Foreign Office,
3rd September, 1920.

Enclosure in No. 55.

(F.20/63.)

MY LORD, Chinese Legation, London, W.1, 30th August, 1920.
My Government have been informed by the Chinese Consul in New Zealand that legislation is now being brought before the New Zealand Parliament with reference to the admission of Chinese subjects into that Dominion. A Bill on this subject has now passed its first reading; while the taking of finger prints and the language test have been omitted, the collection of Poll Tax is being retained in the Bill. My Government instruct me to approach His Britannic Majesty's Government with the request to communicate with the New Zealand Government by telegraph, and to use their good offices to have the Poll Tax provision also dropped from the proposed legislation. May I express the confident hope that His Majesty's Government will comply with this request for the omission of the Poll Tax which, if adopted, will be a cause of severe hardship to Chinese subjects seeking admission to New Zealand.

I have, &c.,
SAO-KE ALFRED SZE.

The Right Honourable
Earl Curzon of Kedleston, K.G.,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

43967

No. 56.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.15 p.m., 4th September, 1920.)

TELEGRAM.

[Answered by No. 58.]

CHINESE Minister states that Bill regarding admission of Chinese now before New Zealand Parliament, while omitting finger prints and language test, retains Poll Tax. Chinese Government asks for omission of Poll Tax on ground that it will cause severe hardship to Chinese subjects seeking admission to New Zealand.—
MILNER.

* No. 53.

43967

No. 57.

THE SECRETARY OF STATE TO THE ADMINISTRATOR.

[Answered by No. 59.]

(No. 187.)

SIR, Downing Street, 8th September, 1920.
 WITH reference to my telegram of the 4th September,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the note† from the Chinese Minister with regard to a Bill before the New Zealand Parliament relating to the admission of Chinese subjects into the Dominion.

I have, &c.,

MILNER.

46712

No. 58.

THE ADMINISTRATOR TO THE SECRETARY OF STATE.

(Received 5.40 a.m., 21st September, 1920.)

TELEGRAM.

21ST SEPTEMBER. Your telegram 4th September.* Poll Tax on Chinese entering New Zealand has been imposed by legislation for many years, and the Immigration Restriction Amendment Bill now before Parliament does not mention Poll Tax or purport to deal with it, but leaves law in this respect as in original Act. The amending Act repeals another clause in the former Act requiring finger print impressions.—STOUT.

917

No. 59.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6th January, 1921.)

(No. 187.)

MY LORD, Government House, Wellington, 18th November, 1920.

WITH reference to Your Lordship's despatch No. 187 of the 8th September,† relative to the admission of Chinese into New Zealand, I have the honour to invite reference to my telegram of the 21st September, which read as follows:—
 [See No. 58.]

2. The Immigration Restriction Amendment Bill, referred to in the above-mentioned telegram, has now been passed by both Houses of Parliament.

I have, &c.,

JELlicoe,

Governor-General.

(b) New Zealand Immigration Restriction Amendment Act, 1920.

49025

No. 60.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 5th October, 1920.)

[Answered by No. 61.]

SIR, India Office, Whitehall, London, S.W.1, 5th October, 1920.

I AM directed by the Secretary of State for India to refer to Colonial Office letter of 3rd September, 1920,§ which transmitted copy of a telegram from the Officer Administering the Government of New Zealand, dated 1st September, 1920,§ regarding the Indian passport system.

* No. 56. † Enclosure in No. 55. ‡ No. 57. § 43438: L.F. transmitting telegram of which relevant portion is summarized in following sentence.

The telegram refers incidentally to a new Immigration Restriction Amendment Bill, as being at present before the House of Representatives, and states that it is proposed thereby to regulate the number of Indians to come to New Zealand by requiring applications to be made prior to embarkation and placing the grant or refusal of such applications at the discretion of the Minister of Customs.

I am to inquire whether any further information regarding it is available for communication to the Government of India.

I have, &c.,

J. E. FERARD,

Secretary, Judicial and Public Department.

49025

No. 61.

COLONIAL OFFICE TO INDIA OFFICE.

[Answered by No. 64.]

SIR,

Downing Street, 14th October, 1920.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of the 5th instant,* and to transmit to you, to be laid before the Secretary of State for India, copies of the Immigration Restriction Amendment Bill, 1920, which have just been received from the Governor-General of New Zealand.

I am, &c.,

HENRY LAMBERT.

Enclosure in No. 61.

RIGHT HON. MR. MASSEY.

IMMIGRATION RESTRICTION AMENDMENT.

A BILL† INTITLED

AN ACT to amend the Immigration Restriction Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, Title. and by the authority of the same, as follows:—

1. This Act may be cited as the Immigration Restriction Amendment Act, 1920, and shall be read together with and deemed part of the Immigration Restriction Act, 1908 (hereinafter referred to as the principal Act). Short Title.

2. (1) Section thirty-eight of the principal Act is hereby amended by adding the following sub-section:— Section 38 of principal Act amended.

"(4) Section forty-nine of the Justices of the Peace Act, 1908, shall not apply in respect of any such prosecution or proceeding."

(2) The said section thirty-eight as amended by this Act shall apply not only to prosecutions and proceedings under Part III of the principal Act, but also, with the necessary modifications, to all prosecutions and proceedings under the principal Act and this Act.

3. The Governor-General in Council may from time to time make regulations Regulation. for the purpose of giving effect to the provisions of this Act.

PART I.

Requirements of Permits to enter New Zealand by Persons not of British [or Irish]‡ Birth [or]§ Parentage.

4. (1) The principal Act is hereby amended—

(a) By repealing paragraph (a) of sub-section one of section fourteen thereof; Repeals.
 (b) By repealing sections fifteen and seventeen thereof; and
 (c) By repealing section forty-two thereof.

(2) The Immigration Restriction Amendment Act, 1908, is hereby repealed.

(3) Section four of the Immigration Restriction Amendment Act, 1910, is hereby repealed.

* No. 60. † The Act (No. 23 of 1920) was passed with the alterations shown in this print.
 ‡ Omitted from Act. § "and" in the Act.

Permits to enter New Zealand.

5. (1) In addition to the restrictions imposed upon immigration into New Zealand of the several classes of persons specified in the principal Act as amended by this Act, it is hereby enacted that no person other than a person of British [or Irish]* birth [or]† parentage shall (except as by this Act is specially provided) enter into New Zealand unless he is in possession of a permit to enter in the form and to the effect provided by regulations under this Act.

(2) A person shall not be deemed to be of British birth [or]† parentage by reason that he or his parents or either of them is a naturalized British subject, or by reason that he is an aboriginal Native or the descendant of an aboriginal Native of any dominion [other than the Dominion of New Zealand or of any]‡ colony, or [other]‡ possession or [of any]‡ protectorate of His Majesty.

Exemption from requirements of permits.

6. (1) The Governor-General may, by Order in Council, from time to time declare that the provisions of this Part of this Act shall not apply to nations or peoples specified in such Order in Council.

(2) Persons who [satisfy an officer of Customs that by birth and parentage they]‡ are actually of a nation or people specified in any such Order in Council shall be exempt from the provisions of this Part of this Act.

(3) A person shall not be deemed to be actually of such specified nation or people by reason that he or his parents or either of them is a subject by naturalization of any specified nation or people, or that he is an aboriginal native of any colony or possession of such specified nation or people.

Application of this Part of Act.

7. This Part of this Act does not apply to the persons and classes of persons defined in section thirteen of the principal Act.

Temporary permits may be granted to visitors.

8. (1) Any person to whom this Part of this Act applies who arrives in New Zealand without a permit but proves to the satisfaction of the Minister of Customs that he desires to enter New Zealand as a visitor only for purposes of business, pleasure, or health, and that he intends to leave New Zealand within six months after his arrival, may be granted a temporary permit in the prescribed form by an officer of Customs. [A permit under this section may be granted for a period of six months or for such shorter period in any case as the Minister may, in his discretion, determine.]‡

[(2) Any such temporary permit may be granted subject to such conditions (if any) as may be prescribed by regulations under this Act, or as may in any case be imposed by the Minister of Customs. Every person to whom a temporary permit is so granted who fails to comply with any of the conditions subject to which that permit has been granted commits an offence against this Part of this Act.]‡

(3) Where such temporary permit is granted to a visitor, a similar temporary permit may be granted to the wife and children of such visitor and any servants, attendants, and employees of such visitor actually accompanying him.

(4) If a person to whom such temporary permit is granted desires to remain in New Zealand beyond the period [of six months from the date of his arrival]* [for which the permit was granted]‡ he may make application to the Minister of Customs, who may in his discretion either grant an extension or extensions from time to time of the temporary permit, or grant to such person a permit in the form prescribed with respect to persons intending to settle permanently in New Zealand:

Provided that a permit in the last-mentioned form shall be granted only if the Minister is satisfied that the person is one to whom the permit in that form would have been granted if due application had been made for the same in the manner and subject to the conditions hereinafter in this [Part of this]‡ Act provided.

(5) A person to whom a temporary permit is granted who remains in New Zealand beyond the period [of six months from the date of his arrival]* [for which the permit was granted]‡ without having applied for and been granted an extension of such temporary permit, or having been granted such extension remains in New Zealand after the extended period, commits an offence against this Part of this Act.

(6) A temporary permit granted under this section may be at any time revoked by the Minister of Customs. Every person to whom a temporary permit has been granted commits an offence against this Part of this Act if he does not leave New Zealand within such time after the revocation of his permit as the Minister of Customs may prescribe in that behalf.

* Omitted from the Act. † " and " in the Act. ‡ Inserted in the Act.

(7) Section five of the Immigration Restriction Amendment Act, 1910, is hereby repealed.]*

Consequential repeal.

9. (1) Application for a permit to enter New Zealand must be made in the prescribed form and signed by the applicant and be addressed to the Minister of Customs and be sent by post from the country of origin of the applicant or from the country where the applicant has resided for a period of at least one year prior to the date of the application.

Form of application for permits to enter New Zealand to be prescribed.

(2) The prescribed form of application shall require the applicant to state his reasons for desiring to settle in New Zealand, the business or occupation he proposes to undertake in New Zealand, his birth and parentage, the number and ages of his family (if any), whom he proposes to accompany him, his means, and such other details (whether of a like nature or not to the details specified in this section) as may be required by the form as prescribed from time to time.

(3) The Minister of Customs, upon receipt of such application, shall consider the same, and may, in his discretion, grant or refuse to the applicant a permit to enter New Zealand.

[(4) A permit under this section may be granted subject to such conditions (if any) as may be prescribed by regulations under this Act, or as may in any case be imposed by the Minister of Customs.]*

(4) (5) A permit may, at the Minister's discretion, be granted to include the wife of the applicant and any one or more members of the applicant's family.

(5) (6) If a person [who]* is required by this Part of this Act to obtain a permit to enter New Zealand enters New Zealand without having previously obtained a permit [or fails to comply with any of the conditions subject to which a permit under this section has been granted,]* he commits an offence against this [Part of this]* Act.

[(10) Every person commits an offence against this Part of this Act who makes any false statement or representation for the purpose of obtaining a permit to enter New Zealand and who obtains such permit and enters New Zealand in accordance therewith.]*

Attempt to obtain permit by false representation.

† 11. Every person who commits an offence against this Part of this Act is liable on summary conviction to imprisonment for one year or to a fine of one hundred pounds, and may be deported from New Zealand.

Offences

‡ 12. A person who is required by this Part of this Act to obtain a permit to enter New Zealand and who is not at the time of the arrival in New Zealand of the ship in which he travels in possession of a permit in the prescribed form shall be deemed to be a prohibited immigrant for all the purposes of Part II. of the principal Act, and all the provisions of that Part shall accordingly apply in respect of such person, and in respect of the ship in which he travels and the master and owners thereof, and in respect of the persons defined in section twenty-five of the principal Act.

Persons seeking to enter New Zealand without a permit deemed to be prohibited immigrants.

§ 13. (1) The Minister of Customs may, in his discretion, from time to time exempt from all or any of the requirements of this Part of this Act any person or class of persons entering or desiring to enter New Zealand.

Minister of Customs may grant exemption from provisions of this Part of Act.

[(2) Any exemption granted by the Minister of Customs under this section shall be subject to such conditions as the Minister may impose, and every person who commits a breach of or fails to observe any such conditions commits an offence against this Part of this Act.]*

PART II.

Requirement of Oath of Allegiance before Entry into New Zealand.

‡ 14. This Part of this Act applies to all persons of the age of fifteen years and over that age proposing to enter New Zealand for any purpose whatever, whether as permanent residents or as visitors, except only the persons and classes of persons defined in paragraphs (d), (e), (f), and (g) of section thirteen of the principal Act.

Application of this Part of Act.

§ 15. [Every person of British or Irish birth or parentage to whom this Part of this Act applies, and]† [Notwithstanding anything to the contrary in section ten of the Promissory Oaths Act, 1908]* every person who by birth or naturalization is a subject of His Majesty and to whom this Part of this Act applies, shall on arrival in New Zealand and before landing in New Zealand take the oath of allegiance to His Majesty in the form set forth in section two of the Promissory Oaths Act, 1908.

British subjects arriving in New Zealand to take oath of allegiance.

* Inserted in the Act.

† Omitted from the Act.

Other persons arriving in New Zealand to take oath or allegiance to laws of New Zealand.

15 16. [Notwithstanding anything to the contrary in section ten of the Promissory Oaths Act, 1908]* every person to whom this Part of this Act applies who is not [of British or Irish birth or parentage, and is not otherwise]† a subject of His Majesty, shall on arrival in New Zealand and before landing in New Zealand take an oath in the form following:—

I, _____, being a subject of _____, do swear that I will faithfully observe and obey the laws of New Zealand so long as I shall be resident in New Zealand, and that I will not in any manner aid or abet any breach of any such laws, and that I will not be concerned in any manner directly or indirectly in any act which would be disloyal to His Majesty King George V if committed by a subject of His said Majesty. So help me God!

Officers of Customs authorized to administer oaths for purposes of this Part of Act.

16 17. Every officer of Customs is hereby declared to be a person duly authorized to administer the oath of allegiance or the oath set forth in the last preceding section, as the case may require, to any person arriving in New Zealand.

Persons refusing to take oath deemed to be prohibited immigrants.

17 18. Every person to whom this Part of this Act applies who refuses or neglects to take the oath required by this Act before landing in New Zealand is hereby declared to be a prohibited immigrant for all the purposes of Part II of the principal Act, and shall be proceeded against and dealt with accordingly.

No exemption from this Part of Act.

18 19. A person shall not be exempt from the provisions of this Part of this Act by reason that he is domiciled in New Zealand, or that he is returning to New Zealand, or that he has on some previous arrival in New Zealand taken the oath required in his case by this Act.

Aliens who act in contravention of their oath of allegiance deemed to be prohibited immigrants.

19 20. If a person who is not a subject of His Majesty acts after his arrival in New Zealand in any manner in contravention of the terms of his oath as hereinbefore set forth, he shall thereupon be deemed to be a prohibited immigrant for all the purposes of Part II of the principal Act, and may be proceeded against and dealt with accordingly.

PART III.* General.

Duty of master of ship to receive and detain person proposed to be removed from New Zealand.

21 On payment or offer of payment to the owner, charterer, or master of any vessel about to leave New Zealand of a reasonable sum on account of the carriage from New Zealand of any person proposed to be removed from New Zealand, whether under the principal Act or this Act, it shall be the duty of the owner, charterer, or master, as the case may be, to receive and retain that person on board the vessel; and if such owner, charterer, or master refuses to receive or retain that person on board, or connives at, or is privy to his escape from the vessel, he commits an offence, and is liable on summary conviction to a fine of one hundred pounds.

Delegation of powers of Minister.

22 (1) The Minister may from time to time, by writing under his hand, delegate to any officer of Customs all or any of the powers (except this present power of delegation) exercisable by him under the principal Act or this Act.

(2) Every such delegation shall be revokable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(3) Any such delegation may be made subject to such restrictions and conditions as the Minister thinks fit, and may be made either generally or in relation to any particular case.

(4) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Minister by whom it was made has ceased to hold office, and shall continue to have effect as if made by the successor in office of that Minister.

IMMIGRATION RESTRICTION AMENDMENT BILL.

Explanatory Memorandum.

Clause 2 provides a necessary amendment of the principal Act. Section 38 of that Act provides for prosecutions and proceedings for penalties, but is placed in Part III of the principal Act, and is limited to proceedings under that Part. It is necessary, especially in the case of penalties upon ships bringing prohibited immigrants, that the time within which proceedings may be taken should not be limited

* Inserted in the Act.

† Omitted from the Act.

to the six months defined by the Justices of the Peace Act. The section is amended, and with that addition is made general, and therefore applies to all prosecutions under any Part of the principal Act and its amendments.

The first effect of the present Bill is to require *all* persons other than the classes defined in paragraphs (a), (e), (f), and (g) of section 13 of the principal Act (His Majesty's land and sea Forces, the officers and crews of ships of war of foreign Governments, merchant seamen, and representatives of foreign Powers) to take the oath of allegiance to His Majesty, if subjects of His Majesty, and to take an oath to obey the laws of New Zealand, if subjects of a foreign Power. These provisions will be found in Part II of the Bill.

The second effect is to substitute for the education test, prescribed for foreigners by paragraph (a) of section 14 of the principal Act as amended by section 4 of the Amendment Act of 1910, a test of suitability to be settlers in New Zealand. All persons who are actually of British or Irish birth and parentage (except criminals, lunatics, and persons suffering from loathsome diseases) may enter and become settlers in New Zealand without any condition other than that of taking the oath of allegiance. Persons who are not of British or Irish birth and parentage may come to New Zealand as visitors for business, health, or pleasure purposes. But persons who are not of British or Irish birth and parentage who enter New Zealand with the intention of becoming settlers in the country are required to make a previous application in writing sent by post from the country of their residence setting forth in detail their intentions and their qualifications to become settlers. If the Minister of Customs is satisfied, he may grant a permit. The possession of such a permit is a condition of the right of a foreigner to enter New Zealand otherwise than as a visitor. Provision is made for the exemption by Proclamation of the Governor-General of nations and races from the provisions of the Act. Power is also reserved to the Minister of Customs to grant exemption in the case of any particular person. Part I of the Bill begins with the repeal of the provisions of the existing law prescribing the education test, and continues with the provisions requiring persons who are not of British birth and parentage and who propose to settle in New Zealand to make application for and to obtain a permit before they leave their own country, unless they are of a nation and race which the Governor-General by Proclamation exempts from the provisions of this Act.

The substitution of prior application for permit in place of an education test has, in the case of Chinese, enabled the Government to propose in this Bill the repeal of the Amendment Act of 1908 containing the provision as to thumb-prints of Chinese, in regard to which the accredited representative of China has made serious official complaint.

52861

No. 62.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.42 a.m., 27th October, 1920.)

TELEGRAM.

(Paraphrase.)

With reference to my telegram* code to-day, my Ministers do not advise reservation of Immigration Restriction Amendment Bill for His Majesty's assent. They consider it necessary to bring it into force very shortly, and it will be presented to me in about a week. I do not propose to reserve assent, and have ascertained confidentially that feeling of soreness would be created by interference by Imperial Government in this direction as Bill is considered very urgent. I am at the same time assured that if there are any amendments which Imperial Government might consider necessary to avoid difficulties in regard to Treaty rights with other nations, my Ministers would be prepared to introduce them next session.—JELLICOE.

* No. 63.

53006

No. 63.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3.35 p.m., 27th October, 1920.)

TELEGRAM.

[Answered by No. 65.]

27TH OCTOBER. Confidential. A Bill to amend the Immigration Restriction Bill of 1908 has passed both Houses of Parliament. Summarized, the amendments to principal Act are as follows:—

Begins: Clause 2 provides amendment of the principal Act. Section thirty-eight of that Act provides for prosecutions and proceedings for (a) Penalties but is placed in Part III of the principal Act and is limited to proceedings under that Part. It is necessary especially in case of penalties upon ships bringing prohibited immigrants, that the time within which proceedings may be taken should not be limited to the six months defined by Justices of the Peace Act. The section is amended and with that addition is made general and therefore applies to all prosecutions under any part of principal Act and its amendments. The first effect of the present Bill is to require all persons other than classes defined in paragraphs (a) (e) (f) and (g) of section thirteen of the principal Act to take the oath of allegiance to His Majesty if subjects of His Majesty and to take an oath to obey law of New Zealand if subjects of a foreign Power. The second effect of the new Bill is to substitute for the education test prescribed for foreigners by paragraph (a) of section fourteen of the principal Act as amended by Section 4 of the Amendment Act of 1910 a test of suitability to be settlers in New Zealand. All persons who are actually of British birth and parentage except criminals, lunatics, and persons suffering from loathsome diseases may enter and become settlers in New Zealand without any condition other than that of taking oath of allegiance. Persons who are not of British birth and parentage may come to New Zealand as visitors for business, health, or pleasure purposes, but such persons who enter New Zealand with the intention of becoming settlers in this country are required to make a previous application in writing sent by post from the country of their residence setting forth in detail their intentions and their qualifications to become settlers. If the Minister of Customs is satisfied he may grant a permit. Possession of such a permit is a condition of the right of a foreigner to enter New Zealand otherwise than as a visitor. Provision is made for the exemption by proclamation of the Governor-General of nations and races from the provisions of the Act. Power is also reserved to the Minister of Customs to grant exemption in the case of any particular person. Part I of the Bill begins with the repeal of the provisions of the existing law prescribing the education test and continues with the provisions requiring persons who are not of British birth and parentage and who propose to settle in New Zealand to make application and to obtain a permit before they leave their own country, unless they are of a nation and race which the Governor-General by proclamation exempts from the provisions of this Act. The substitution of prior application permit in place of an education test has in the case of Chinese enabled the Government to propose in this Bill the repeal of the Amendment Act of 1908 containing the provision as to thumbprints of Chinese with regard to which the accredited representative of China in New Zealand has made serious official complaint. *Ends.*

The Government has been careful to avoid any distinction between the different nations or coloured races in the matter of persons desiring to settle in New Zealand and no difficulty is placed in the way of persons desiring merely to visit New Zealand but those who desire to settle here are required first to satisfy the Government that they are desirable settlers. In this my Ministers have been careful to observe strictly the resolution of the Imperial Conference which was moved by the representative of India, the Prime Minister having given me his assurance on this point. Copies of Bill were sent to you by mail of 6th October with other Parliamentary Papers.—JELLICOE.

53108

No. 64.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 29th October, 1920.)

[Answered by No. 66.]

SIR,

India Office, Whitehall, London, S.W., 28th October, 1920.

I AM directed by the Secretary of State for India to acknowledge the receipt of Sir H. Lambert's letter of 14th October, 1920,* regarding the New Zealand Immigration Restriction Amendment Bill, 1920.

I am to request that this Office may be kept informed of the further progress of the Bill, copy of which is being transmitted to the Government of India for their information or observations. Meanwhile, in view of the interest which, as is known to the Government of New Zealand, is taken in India in the question of immigration between different parts of the Empire, Mr. Secretary Montagu would suggest that if Viscount Milner sees no objection, a request should be addressed to the New Zealand Government for further information as to the scope and purpose of this measure. The Bill proposes to substitute a test of suitability for settlement in New Zealand in place of the education test hitherto in force. It would be of interest to the Government of India to learn the circumstances which have led to this change of policy and whether it is contemplated that the provision in Section 5 (2) would apply to all British Indians.

As regards the admission of merchants, tourists and *bona fide* students, I am to state that it is noted that legislative provision is made in Clause 8 of the Bill for the grant of temporary permits to visitors. As regards the entry of the wives and families of Indians already domiciled in the Dominion, I am to suggest that the Government of New Zealand might be invited to give an assurance that the new measure will not alter the position as it was described in the Earl of Liverpool's despatch of 6th November, 1918† (copy of which was transmitted with Colonial Office letter of 25th January, 1919‡), regarding the Immigration Reciprocity Resolution adopted by the Imperial War Conference in 1918.

I am, &c.,

J. E. FERARD.

53006

No. 65.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.25 p.m., 9th November, 1920.)

TELEGRAM.

[Answered by Nos. 67 and 69.]

(Paraphrase.)

WITH reference to your telegram 27th October§ with regard to Immigration Restriction Amendment Bill, it would be useful to have an early draft of the Regulations, and His Majesty's Government suggest that before the issue of any proclamation exempting nations or races, it might be of assistance if they were consulted. Secretary of State for India asks that assurance may be given that the new measure will not alter the position as described in your despatch of 6th November, 1918, No. 224† as regards the entry of the wives and families of Indians already domiciled in New Zealand.—MILNER.

* No. 61. † No. 10 in Dominions No. 70. ‡ 2651: not printed. This dealt mainly with the question of possible demands for entry into the Dominion which might be advanced by Japan at the Peace Conference, 1919. § No. 63.

53006

No. 66.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 68.]

SIR,

Downing Street, 12th November, 1920.

WITH reference to your letter of the 28th of October,* relative to the New Zealand Immigration Restriction Amendment Bill, I am directed by Viscount Milner to transmit to you, to be laid before Mr. Secretary Montagu, the accompanying copy of telegraphic correspondence† with the Governor-General of New Zealand.

2. I am to observe that the Governor-General's code telegram of the 27th of October appears to deal specifically with the Resolution of the Imperial War Conference of 1918 in so far as it relates to the case of Indians desiring merely to visit New Zealand.

I am, &c.,

HENRY LAMBERT.

57567

No. 67.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.55 a.m., 22nd November, 1920.)

TELEGRAM.

(Paraphrase.)

YOUR telegram 9th November,‡ Immigration Restriction Amendment Act. Firstly, Government of New Zealand does not propose to issue any Order in Council under section 6 excepting any peoples or nations from the provisions of the Act. Secondly, the forms of permits to be (§)prescribed by regulations will be (§)general and will define no distinction whether of nation or of colour. Thirdly, a copy will be submitted to you for the (§)comments of His Majesty's Government when the regulations are drafted and before my signature is attached. Fourthly, Government of New Zealand adheres to the statement set forth in my predecessor's despatch of 6th November, 1918.§ as regards entry of wives and families of Indians already domiciled in New Zealand, and assures the Imperial Government that there will be no departure from that statement under the administration of the Act of last session.—JELlicoe.

57958

No. 68.

INDIA OFFICE to COLONIAL OFFICE.

(Received 25th November, 1920.)

SIR,

India Office, Whitehall, London, S.W.1, 25th November, 1920.

IN reply to your letter dated the 12th November, 1920,|| regarding the New Zealand Immigration Restriction Amendment Bill, I am directed to say that Mr. Secretary Montagu would be glad to be afforded an opportunity of seeing any draft of the Regulations referred to in Viscount Milner's telegram to the Governor-General of the 9th November,‡ and also to be informed before the issue of any proclamation exempting nations or races from the provisions of the Act.

I have, &c.,

M. C. SETON.

* No. 64. † Nos. 62, 63 and 65. ‡ No. 65. § No. 10 in Dominions No. 70. || No. 66.

4315

No. 69.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.38 p.m., 26th January, 1921.)

TELEGRAM.

26TH JANUARY. Immigration Restriction Amendment Act, 1920. Your telegram 9th November.* Owing to numerous requests being received from Jugo-Slavs, Syrians, Hindus, and Chinese for permits to settle in New Zealand, my Ministers have advised me that it is necessary to issue immediately Order in Council making regulations under above-mentioned Act. While regretting inability to fulfil promise made paragraph No. 3 my telegram 22nd November,† I have felt it necessary to act on my Ministers' advice, and Order in Council‡ has consequently been issued. Under the new regulations§ all special reference to Chinese subjects, or to subjects of other nations, has been excluded. Main feature of the new regulations consists of the forms of permit and application. Form No. 3 is the application for a permit to enter New Zealand. Particulars are required as to birth, parentage, nationality, marital state, names, and ages of family and employees, means, purpose in coming to New Zealand, and occupation to be undertaken therein, character, reputation, condition of health, and language in which educated. Form No. 1 is the permit issued to enable the person concerned to enter New Zealand. The particulars supplied in form No. 3 are inserted herein for identification purposes, and so that the immigrant may declare thereto and satisfy the Governments as to the correctness thereof. Form No. 2, which is the temporary permit to enter New Zealand, provides for particulars similar to those in form No. 1, and for the deposit of £10 during the person's stay in the Dominion. Form No. 4 is the certificate as to prohibited or restricted immigrants on board to be made by the master of a vessel arriving in New Zealand. This is a re-issue with slight modification of a form contained in No. 4 of the regulations made on 31st August, 1900, under the Immigration Restrictions Act, 1899, and published in the *New Zealand Gazette* on 6th September, 1900. In addition there is inserted for the information of the master a list of the persons whose entry into New Zealand is restricted. Form No. 5 is a certificate of registration for persons desiring to temporarily leave New Zealand and will enable such persons to return within four years. The rules as to prohibition from entering New Zealand or governing entry under certain restrictions apply to the following persons: (A) persons who are not of British birth and parentage; (B) persons who are not in possession of permits to enter New Zealand (or) certificates of registration entitling the holder to return to New Zealand within four years of the date of the issue thereof; (C) persons who are lunatic, idiotic, deaf, dumb, blind, or infirm; (D) persons who are suffering from tuberculosis, syphilis, leprosy, and any contagious disease which is loathsome or dangerous; (E) any person the date of whose arrival in New Zealand is earlier than two years after the termination of any imprisonment suffered by him, in respect of any offence which (if) committed in New Zealand, [would] be punishable by death or imprisonment for two years or upwards, not being a mere political offence, and no pardon having been granted. Copies of Order in Council follow by mail. My Ministers inform me that they will consider any suggestions His Majesty's Government may think fit to make for subsequent amendment.—JELlicoe.

32745

No. 70.

INDIA OFFICE to COLONIAL OFFICE.

(Received 1st July, 1921.)

SIR,

India Office, Whitehall, London, S.W., 30th June, 1921.

WITH reference to the correspondence ending with Colonial Office memorandum dated 15th June,‡ regarding the New Zealand Immigration Restriction Amendment Act, 1920, I am directed by the Secretary of State for India to transmit copy of a despatch from the Government of India, dated 12th May, 1921, on this subject.

* No. 65. † No. 67. ‡ 29903: not printed: it transmitted a copy of the New Zealand Act referred to. § See Supplement to *New Zealand Gazette* of 13th January, 1921.

2. Mr. Secretary Montagu associates himself with the observations contained in the Government of India's despatch and would suggest that, if Mr. Secretary Churchill sees no objection, they should be transmitted to the Government of New Zealand for consideration.

3. Paragraph 4 of the Government of India's despatch points out that Note (3) to Form No. 3 in the first schedule of the Regulations of 10th January, 1921, states: "Unless for extraordinary reasons temporary permits will be granted only for six months." Mr. Montagu assumes that these words are intended to refer to the period of temporary permits, granted in the first instance, and not to extensions granted under Section 8 (4) of the Act. Under that section extensions are granted at the discretion of the Minister of Customs, and it is presumed that Note (3) is not intended as a direction that extensions can be granted for extraordinary reasons only. The Secretary of State for India would be glad to learn whether this interpretation of the Act and Regulations is correct.

4. As regards paragraph 5 of the Government of India's despatch Mr. Montagu trusts that the Dominion Government will find it possible to give an assurance that when a passport or written permit has been issued by the Government of India to an Indian desiring to visit or reside temporarily in New Zealand, a temporary permit will be granted by the Dominion Minister in accordance with paragraph 2 (b) of the Immigration Reciprocity Resolution of 1918, even if an application for a permit to enter New Zealand has not been addressed to the Minister of Customs by the applicant before his departure from India.

5. As regards paragraphs 7 and 8 of the Government of India's despatch, Mr. Montagu again associates himself with the Government of India's request that the protection against loss of domicile accorded to domiciled Indians who obtain certificates of registration before leaving New Zealand should not be limited to a period of four years.

I have, &c.,

L. J. KERSHAW.

Enclosure in No. 70.

No. 20 of 1921.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

EMIGRATION.

SIR,

Dated Simla, the 12th May, 1921.

WE have the honour to address you regarding the New Zealand Immigration Restriction Amendment Act, 1920, a copy of which, together with a copy of the regulations issued thereunder, has now been received by us from the Government of New Zealand.

2. The chief effect of the Act, as stated in the explanatory memorandum, is "to substitute for the education test, prescribed for foreigners by paragraph (a) of section 14 of the principal Act as amended by section 4 of the Amendment Act of 1910, a test of suitability to be settlers in New Zealand." We assume that British Indian subjects are not regarded as "foreigners" in any other part of the British Empire. Nor, as has already been noted in your Secretary's letter J. & P. No. 7085, dated 28th October, 1920, to the Colonial Office, does section 5 (2) of the Act necessarily bring British Indians within the scope of the Act. On the other hand, it was always held that the education test prescribed by paragraph (a) of section 14 of the principal Act as amended by section 4 of the Amendment Act, 1910, was applicable to British Indians. Moreover, from the general tenour of the correspondence relating to the new Act, copies of which have been received with your Secretary's letter J. & P. No. 6646-20, dated 7th October, 1920, and subsequent letters, it seems clear that it is at any rate intended that the new Act should be used to restrict the immigration of British Indians into New Zealand. Without prejudice, therefore, to their legal rights, we will assume that the restrictions imposed by the Act apply to British Indians.

3. We greatly regret that the Government of New Zealand should have considered it necessary at this juncture to impose new restrictions on the entry of British Indians into New Zealand: and we are awaiting the answer to the inquiry

in your Secretary's letter J. & P. No. 7085, dated 28th October, 1920, as to the circumstances which have led to this change of policy. At the same time, we recognize that we cannot object to restrictions which are consistent with the terms of the Reciprocity resolution passed at the Imperial Conference of 1918. And we appreciate the anxiety which the Government of New Zealand have shown, to observe strictly the obligations imposed on them by the resolution. We propose, therefore, in this despatch to confine ourselves to points on which the new Act, or the regulations issued thereunder, appear to conflict with the terms of the resolution.

4. Firstly, then, paragraph 2 of the resolution provides that "British citizens domiciled in any British country, including India, should be admitted into any other British country for visits, for the purpose of pleasure or commerce, including temporary residence for the purpose of education." Section 8 (1) of the new Act provides that temporary permits for this purpose may be granted for a period of six months or less; and section 8 (4) enables the Minister of Customs to grant extensions. But note (3) to Form No. 3 appended to the regulations says that such extensions will not be given "unless for extraordinary reasons."

We would ask for an assurance that in the case of temporary residence for the purpose of education, at any rate, an extension beyond the six months' limit will be granted. It is obvious that a journey from India to New Zealand would not be justified for an education course which might be arbitrarily limited to a period of six months.

5. Secondly, according to paragraph 2 (b) of the resolution, "such right of visit or temporary residence shall, in each individual case, be embodied in a passport or written permit issued by the country of domicile and subject to *visé* there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires." But section 9 of the Act, read with Form No. 3 appended to the regulations, requires that an application for a permit to enter New Zealand, even for a visit or temporary residence, should be made to the Minister of Customs, and should be sent by post from the country of origin of the applicant or from the country where the applicant has resided for a period of at least one year prior to the date of the application. Section 8, however, empowers the Minister to grant a temporary permit to a person who arrives in New Zealand without a permit, for a visit only.

We would ask for an assurance that the Minister will grant a temporary permit under section 8 to any person to whom a passport or written permit has been issued by us, in accordance with the terms of the resolution.

6. Thirdly, paragraph 3 of the resolution provides that "Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition—

(a) that not more than one wife and her children should be admitted for each such Indian, and

(b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian."

We welcome the assurance of the Government of New Zealand, conveyed in the Governor-General's telegram, dated 22nd November, 1920, that there will be no departure from this undertaking under the administration of the new Act.

7. Fourthly, section 17 of the principal Act gives protection against loss of domicile by a former resident, and imposes no time limit within which he must return to New Zealand. This section has been repealed by section 4 (b) of the new Act; but regulation 12 protects a resident who obtains a certificate of registration before leaving, against loss of domicile, if he returns within four years after the date of registration.

8. In his despatch No. 224, dated 6th November, 1918, regarding the Reciprocity resolution, the Governor-General of New Zealand wrote: "Indians domiciled in New Zealand are subject to no disabilities. They have equal rights and privileges in every respect with Europeans." It appears to us that the repeal of section 17 of the principal Act imposes a disability on domiciled Indians. We admit that a domiciled Indian who left the country temporarily, might ordinarily be expected to return within four years. But hard cases might arise. Apart also from practical considerations, we fear that the introduction even of a minor disability is likely to affect the cordial sentiments which India feels towards a Dominion in which Indians have hitherto enjoyed equal rights and privileges in every respect with Europeans. We understand that even in the Transvaal, where the immigration restrictions are most severe, domiciled Indians who hold a certificate of registration, do not lose their domicile, however long their absence from the country. We

sincerely trust, therefore, that the Government of New Zealand will find that withdrawal of this disability is not inconsistent with their immigration policy.

9. We would now ask that our views may be placed before the Government of New Zealand for their consideration.

We have, &c.,
READING.
RAWLINSON.
W. H. VINCENT.
M. M. SHAFF.
W. M. HAILEY.
T. H. HOLLAND.
B. N. SARMA.
T. B. SAPRU.

To
The Right Honourable Edwin Montagu,
His Majesty's Secretary of State for India.

32745

No. 71.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 72.]

(No. 132.)

My Lord,

Downing Street, 12th July, 1921.

With reference to Your Excellency's despatch No. 91, of the 4th of May,* I have the honour to transmit to you, to be laid before your Ministers, the accompanying copy of a despatch† from the Government of India regarding the New Zealand Immigration Restriction Amendment Act, 1920, and the Regulations‡ issued thereunder.

2. The Secretary of State for India, in asking that this despatch should be transmitted to the Government of New Zealand, has stated that he associates himself with the observations which it contains. With regard to paragraph 4 of the despatch, the Secretary of State assumes that the words quoted from Note (3) to Form 3, in the first schedule of the Regulations of 10th January, 1921,§ refer to the period of temporary permits, granted in the first instance, and not to extensions granted under Section 8 (4) of the Act. Under that section extensions are granted at the discretion of the Minister of Customs, and the Secretary of State presumes that Note (3) is not intended as a direction that extensions can be granted for extraordinary reasons only. He would be glad to learn whether this interpretation of the Act and Regulations is correct.

3. I should be glad to receive the views of your Ministers on all the points raised by the Government of India.

4. A copy of this despatch with its enclosure will be sent to your Prime Minister.

I have, &c.,
WINSTON S. CHURCHILL.

51362

No. 72.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 17th October, 1921.)

[Answered by No. 74.]

(No. 190.)

Sir,

Government House, Wellington, 12th September, 1921.

With reference to your despatch, No. 132, of the 12th July,‡ communicating a copy of a despatch from the Government of India regarding the New Zealand

* 219003: not printed: it transmitted copies of the Immigration Restriction Amendment Act, 1920 (No. 23). † Enclosure in No. 70. ‡ No. 71. § The Regulations will be found in the Supplement to the New Zealand Gazette of 10th January, 1921.

Immigration Restriction Amendment Act, 1920, and the Regulations issued thereunder, I have the honour to transmit to you the accompanying copy of a memorandum which has been addressed to me by Sir Francis Bell, acting for the Prime Minister, in which he replies to the points raised in the despatch.

I have, &c.,

JELLICOE,
Governor-General.

Enclosure in No. 72

DOMINION OF NEW ZEALAND.

MEMORANDUM FOR THE INFORMATION OF THE GOVERNMENT OF INDIA ON THE SUBJECT OF THE NEW ZEALAND IMMIGRATION RESTRICTION AMENDMENT ACT, 1920.

Prime Minister's Office, Wellington, 5th September, 1921.

1. SIR FRANCIS BELL (Attorney-General of New Zealand), for the Prime Minister, refers to the despatch from the Government of India to the Secretary of State for India dated Simla, 12th May, 1921,* a printed copy of which despatch was communicated to the Governor-General of New Zealand by the Secretary of State for the Colonies under cover of a despatch dated 12th July, 1921.†

2. In reply to the second paragraph of the printed despatch it should be observed that the explanatory memorandum forms no part of the statute. To copies of Bills of a technical character printed for consideration of Parliament, the Law Draftsman in New Zealand frequently attaches a memorandum (of which that attached to the Act of 1920 is an example), explanatory of the general effect and purpose of the measure. Such memoranda are necessarily brief, and no special care is taken in the form of expression used therein. When the Bill becomes law the explanatory memorandum has served its purpose and disappears. No copy of the memorandum is attached to the Act assented to by the Governor-General; no copy appears on any statute book, and the only record of its contents is in the Law Draftsman's Office.

In the passage quoted (from the memorandum prefixed to this Bill) in the second paragraph of the printed despatch, the word "foreigner" was used by the Law Draftsman as a convenient distinguishing expression for the purpose of the explanation.

The Government of India correctly assumes that His Majesty's subjects of British India are not regarded as "foreigners" in New Zealand. Nor are they so described in any Statute. The Government of India is also correct in its conclusion that the effect of the Act is to restrict immigration of all coloured races, as well as of foreigners, into New Zealand as settlers. It is only by reading the explanatory memorandum into the Act, of which it forms no part, that any other interpretation seems possible.

3. The courteous recognition by the Government of India in the third paragraph of the printed despatch of the anxiety of the New Zealand Government to observe strictly the Reciprocity Resolutions of the Conference of 1918, is greatly appreciated by this Government. But the regret expressed in that paragraph that this Government "should have thought it necessary at this juncture to impose new restrictions on the entry of British Indians into New Zealand" indicates that the Government of India is not fully cognisant of the anxiety felt by the Commonwealth of Australia and the Dominion of New Zealand at this juncture. The Act was not directed specially against the immigration of our fellow subjects of British India. It was directed against the colonization of our territories by persons of Asiatic race of whatever country they might be subjects, and also to exclude undesirable persons of foreign extraction. So far as is possible we wish this Dominion, founded by men of British extraction, to continue to be colonized by men and women of British extraction. We will not exclude from permanent settlement persons who are suitable settlers, though they be foreigners or persons not of British extraction. But we must be first assured that they will be settlers suitable for our land, our climate, our laws. It is a fact that the Asiatic races do not in general provide suitable settlers for New Zealand. The climate is not favourable to them; their habits, religion, and customs are alien, and they are regarded by the working classes as dangerous to the establishment of a scale of wages sufficient to keep English families in decent comfort.

* Enclosure in No. 70.

† No. 71.

The increasing number of Chinese willing to pay poll tax sounded the first alarm, and emphasized the necessity for more effective legislation in 1920. The threatened influx of Indians from Fiji was (it may be conceded) a further, but not the dominant, reason for the legislation.

4. Paragraph four of the printed despatch deals with the subject of permits for temporary visits. If temporary permits were extended as of course, the legislation would be nugatory; and the note appended to the regulation seems therefore a necessary warning.

But the Government of New Zealand is happy to give the assurance asked for that where a temporary permit is granted for educational purposes, or indeed for any special purpose, it will be extended from time to time to enable the fulfilment of the purpose, subject of course to the continuing good conduct of the grantee.

5. With regard to the request of the Government of India, expressed in paragraph five of the printed despatch, the New Zealand Government will, in general, grant the temporary permit to an Indian subject producing a passport or written permit issued by the Indian Government in pursuance of the Reciprocity Resolutions. But this must be subject to the conditions—(a) that the Government of India issues only a limited number of such passports or permits in any year; and (b) issues them only to persons who to the knowledge of the Indian Government have already arranged to leave New Zealand after a temporary visit. There must be a further condition that we may refuse to grant the permit to land to any Indian whom the New Zealand Government has reason to suspect to be disaffected or disloyal, or likely to cause trouble in respect of other Indians settled in New Zealand.

6. With regard to paragraphs 7 and 8 of the printed despatch, the Government of New Zealand will give further consideration to the point there discussed. If it is found that the time fixed by the regulations can be safely extended with due regard to the prevention of fraudulent use of old certificates, the regulations will be amended accordingly.

7. Finally, the Government of New Zealand desires to assure the Government of India that it will do everything in its power to avoid offence to the Indian subjects of His Majesty in the administration of a law which, for reasons and objects which must be apparent to the Indian Government, the Parliament of New Zealand has enacted.

F. H. D. BELL,
For the Prime Minister.

56080

No. 73.

INDIA OFFICE to COLONIAL OFFICE.

(Received 10th November, 1921.)

SIR, India Office, Whitehall, London, S.W., November, 1921.

I AM directed by Mr. Secretary Montagu to acknowledge the receipt of your letter of 26th October, 1921,* and its enclosures, regarding the New Zealand Immigration Restriction Amendment Act, 1920, and the Regulations issued thereunder.

I am to request that you will inform Mr. Secretary Churchill that Mr. Montagu is addressing a despatch to the Government of India forwarding these papers for their information, and requesting their views regarding the conditions subject to which the Dominion Government express their willingness, in general, to grant temporary permits of entry to Indians producing passports or written permits issued by the Government of India in pursuance of the reciprocity resolutions of the Imperial War Conference.

I have, &c.,

J. C. WALTON.

* 51352; not printed: it transmitted a copy of No. 72.

56080

No. 74.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 224.)

MY LORD,

Downing Street, 15th November, 1921.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 190, of the 12th of September,* regarding the New Zealand Immigration Restriction Amendment Act, 1920, and the Regulations issued thereunder, and to request you to inform your Ministers that a copy has been forwarded to the Government of India, with a request for their views as to the conditions on which your Government are prepared to grant temporary permits of entry to Indians.

I have, &c.,

WINSTON S. CHURCHILL.

IV. UNION OF SOUTH AFRICA.

(a) Asiatic Inquiry Commission.

1397

No. 75.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.50 p.m., 10th January, 1920.)

TELEGRAM.

[Answered by Nos. 76, 77 and 78.]

(Paraphrase.)

WITH reference to your telegram of 21st November,† Secretary of State for India desires to express acknowledgment of action of Government of Union of South Africa in withdrawing objection to Indian being associated in deputation with Sir B. Robertson. Deputation, it has now been decided, will consist of Robertson as senior member with Mr. Srinavasa Sastri. Following staff will accompany Robertson: Mr. G. L. Corbett, I.C.S., Deputy Secretary in Commerce and Industry Department of India, and Mr. L. C. Sen, Indian official of Commerce and Industry Department of India. I should be obliged if arrangements could be made for admission to Union of Mr. Sen and of two Indian servants. Whether in view of inclusion of Sastri in deputation any addition to the staff is contemplated is not known at present, but if this is necessary you will be informed further. Hoped that time will permit of party leaving Bombay about a month before sittings of Commission commence and favour of very early information is requested as to exact terms of reference and date fixed for first meeting.—FOR THE SECRETARY OF STATE.

6526

No. 76.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.5 a.m., 6th February, 1920.)

TELEGRAM.

3RD FEBRUARY. With reference to your telegram 10th January,‡ Indian Commission. Following appointed Commissioners:—Sir Johannes Lange, chairman; Colonel James Scott Wylie, King's Counsel, M.V.O.; William Duncan Baxter, Esquire, member of Legislative Assembly, and Henry John Hofmeyr, Esquire. Terms of reference are to inquire into and report on the provision of law affecting (a) the acquisition of land and rights affecting land in the Union by Asiatics and persons of Asiatic descent for trading or other purposes; (b) the trading

* No. 72.

† No. 109 in Dominions No. 70.

‡ No. 75.

or carrying on of business by such persons generally or in specified localities and whether it is in the public interest to alter the law in any respect; (c) to make recommendations with regard to any difficulties and grievances which have arisen with regard to matters (a) and (b). Understand that Commission is prepared to commence its sittings at Capetown about the middle of March. Addressed Secretary of State, repeated Viceroy, India.—Buxton.

6512

No. 77.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.30 a.m., 6th February, 1920.)

TELEGRAM.

3RD FEBRUARY. My telegram of to-day.* Lange is Judge of Supreme Court who carries weight and will be chairman; Wylie is prominent business man of Durban and was member of Indian Inquiry Commission 1914; Baxter is Unionist member for one of Cape Divisions and is well-known politician; Hofmeyr is Johannesburg solicitor in good position and ex-Mayor.—Buxton.

11464

No. 78.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3rd March, 1920.)

(No. 71.)

Governor-General's Office, Pretoria,
12th February, 1920.

MY LORD,

In confirmation of my telegram of the 3rd February,* I have the honour to transmit to you a copy of the Commission constituting the Indian Inquiry Commission and formulating the terms of reference.

I have, &c.,

BUXTON,
Governor-General.

Enclosure in No. 78.

GOVERNMENT GAZETTE, 6TH FEBRUARY, 1920.

Commission

BY HIS EXCELLENCY THE RIGHT HONOURABLE VISCOUNT BUXTON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF ST. MICHAEL AND ST. GEORGE, HIGH COMMISSIONER FOR SOUTH AFRICA, GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

To:

The Honourable Sir Johannes Lange, Kt.
Colonel James Scott Wylie, K.C., M.V.O.
William Duncan Baxter, Esquire, M.L.A.
Henry John Hofmeyr, Esquire.

Greeting:

Whereas it is expedient to appoint a Commission to inquire into matters concerning the Asiatic Community as more specifically detailed hereunder:

* No. 70.

Know ye that I, the Governor-General aforesaid, reposing great trust and confidence in your knowledge, discretion, and ability have authorized and appointed and do by these presents authorize and appoint you the said

Sir Johannes Lange, Kt.,
Colonel James Scott Wylie,
William Duncan Baxter,
Henry John Hofmeyr,

to be my Commissioners, with you the said

Sir Johannes Lange, Kt.,

as Chairman to inquire into and report on the provisions of the Law affecting—

- (a) the acquisition of land and rights affecting land in the Union by Asiatics and persons of Asiatic descent for trading or other purposes;
- (b) the trading or carrying on of business by such persons generally, or in specified localities, and whether it is in the public interest to alter the law in any respect;
- (c) to make recommendations with regard to any difficulties and grievances which have arisen in regard to matters (a) and (b).

And I do further by this Commission give and grant you, and any one of you, authority to call before you, or any one of you, such persons as you shall judge necessary, by whom you shall be better informed in the subject herein submitted for your consideration, or whom, in your judgment it may seem desirable to summon for the purpose of obtaining information on the subject of this inquiry and any matter connected therewith, with power and authority to call and to have access to all official books, papers, documents, and things which you may think proper to obtain; and I do hereby charge and enjoin all public officers in all the Provinces of the Union, and all others who may be called upon by you for information, to afford the same upon all questions relevant to or connected with the inquiry which you are to institute so far as such public officers or other persons may be able to impart the information so required.

And I do hereby authorize and instruct you to report to me under your hand with as little delay as may be consistent with a due discharge of the duties hereby imposed upon you upon the matters now referred to you, and also to certify to me as may be necessary your several proceedings in respect to any of the matters aforesaid.

And I do further will and command, and by these presents ordain that this my Commission shall continue in full force and virtue until you, or any majority of you, shall have finally reported upon the several matters aforesaid, or otherwise until this my Commission shall be by me revoked; and that you, or any one of you, may from time to time proceed in the execution thereof, although the same may be not continued from time to time by adjournment, and that you, or any majority of you, shall have liberty to report to me your several proceedings from time to time as the same or any part thereof may respectively be completed and perfected.

Given under my Hand and the Great Seal of the Union of South Africa at Johannesburg, this the Third day of February, One thousand Nine hundred and Twenty.

BUXTON,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

T. ORR.

14969

No. 79.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 23rd March, 1920.)

Sir,

India Office, Whitehall, London, S.W.1, 22nd March, 1920.

With reference to my letter of the 7th January last,* regarding the Commission of Inquiry into certain questions affecting Indians in South Africa, I

* 1397: not printed: the purport of the letter was telegraphed to the Governor-General in No. 75.

am directed by the Secretary of State for India to state, for the information of the Secretary of State for the Colonies, that it was subsequently found impossible to include Mr. Srinavasa Sastri in the deputation which has proceeded from India to South Africa in connexion with the inquiry. The Government of South Africa will have received this information direct from the Viceroy.

I am, &c.,

J. E. FERARD.

22820

No. 80.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7th May, 1920.)

(No. 172.)

My Lord, Governor-General's Office, Cape Town, 14th April, 1920.

I HAVE the honour to transmit to you herewith copy of the documents mentioned below, on the subject of the status of Indians resident in the Union of South Africa.

I have, &c.,

BUXTON.

Governor-General.

Schedule of Enclosures.

1. 24th March, 1920 : Letter from the Honorary Secretary, Transvaal Hindoo Association, Johannesburg.
2. 30th March, 1920 : Letter to the Honorary Secretary, Transvaal Hindoo Association, Johannesburg.
3. 30th March, 1920 : Minute No. 15/1012 to Ministers.
4. 9th April, 1920 : Minute No. 315 from Ministers.

Enclosure 1 in No. 80.

The Transvaal Hindoo Association,

P.O. Box 2903, Johannesburg, 24th March, 1920.

YOUR EXCELLENCY,

Your Excellency has appointed a Commission to inquire into certain matters concerning Asiatics, and which has been gazetted under Notice No. 240, and which has already started its sittings at Cape Town.

From the public press my Committee presumes that the Commission may arrive in Transvaal some time by the first week of April and immediately start sittings in Johannesburg. And as the Indians in the Transvaal have to submit evidence before the said Commission, even though the Commission is not to their satisfaction as far as their representation is concerned, accordingly my Committee has instructed me to address Your Excellency on the subject.

In going through the Official Report of the South African League's Congress held in Pretoria in September last, on page 10 occurs the expression such as "that the increasing numbers in wealth and in political influence of a race alien to our own will ultimately result in conditions which will be intolerable to white men in this country." Now deeply considering this as one of the grounds on which Asiatics are deemed undesirable, my Committee is of firm opinion that, before tendering in statement or evidence, we must have a clear, in unmistakable terms, definition of our status in this country.

My Committee is proud to say that all Indians are British subjects, staunch, loyal to the Throne, and by deeds have proved that by their pride in British rule and its Flag were ever ready with everything dear to them to uphold its prestige.

Thus my Committee considers the weapon of clear definition as the most important means to defend and demand their *just rights, their inalienable rights*, as British subjects in a British colony where the Union Jack, the clear symbol of justice and protection to everyone, irrespective of colour, creed or nationality, is flying.

We are daily suffering terrible hardships, and it will appear that still further hardships are about to be imposed upon us, and then we cannot do without having our status defined.

We Indians, being British subjects, when war was declared upon the Boers the fact of our grievances as we being British subjects was used as a "casus belli," and in that war we as British subjects had actually carried burden of our duties as allowed, and had sacrificed whereafter this part of South Africa became Crown Colony. To-day my Committee is apparently afraid that we Indians may not be recognized as such if their status is not officially defined, and then their labours to defend and demand their rights will bear no weight, and energy will be lost in vain.

Without having the status defined the Indians, as Your Excellency no doubt knows, receive no benefit or protection from his being British subjects or being styled as British subjects; nor does Indian particularly desire the distinction, sometimes wrongly and sometimes designedly conferred upon him, but he certainly will not tolerate his status being played about with to suit political aims and conditions in this country.

Thus my Committee believes that it has every right to appeal and approach Your Excellency, His Majesty's High Commissioner for South Africa, of whom Indians are loyal subjects, and in so doing my Committee sincerely trusts that Your Excellency will view this communication in the spirit in which it is meant, and it has no desire to be disrespectful to the British Crown, but we are now compelled to fight for our very existence in this Dominion, and we intend to be guided by Your Excellency's advice and help.

I have, &c.,

W. M. SHELAT.

Hon. Sec. Transvaal Hindoo Association.

The Right Honourable Viscount Buxton, P.C., etc.,

His Majesty's High Commissioner for South Africa,
Cape Town.

Enclosure 2 in No. 80.

(No. 15/1012.)

Sir,

Governor-General's Office, Cape Town, 30th March, 1920.

I AM directed by the Governor-General to acknowledge the receipt of your letter of the 24th March, relative to the status of Indians resident in the Union of South Africa, and to request you to inform your Committee that His Excellency has referred it to his Ministers for their consideration and advice.

I am, &c.,

G. HAZLERIGG,

Secretary to the Governor-General.

The Honorary Secretary,

Transvaal Hindoo Association,

P.O. Box 2903,

Johannesburg.

Enclosure 3 in No. 80.

Governor-General's Office, Cape Town, 30th March, 1920.

Minute No. 15/1012.

The Governor-General transmits, for the consideration of Ministers, the accompanying copy of a letter from the Transvaal Hindoo Association requesting that the status of Indians in the Union of South Africa may be defined.

A copy of the formal acknowledgment which has been sent to the Association is enclosed for the information of Ministers.

The Governor-General would be glad to be advised what reply should be returned to the Association on the question of status raised in their letter, and whether they would advise that the reply should be sent by the Governor-General or by the Union Department concerned.

Buxton,

Governor-General.

Enclosure 4 in No. 80.

Prime Minister's Office, 9th April, 1920.

Minute 315.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's Minute No. 15/1012 of the 30th March, 1920, enclosing copy of a letter dated the 24th idem from the Honorary Secretary to the Transvaal Hindoo Association requesting that the status of Indians in the Transvaal be defined, and to state that in the opinion of Ministers the status of these Indians is that they are either British Indian subjects residing in the Transvaal, or subjects of the Union of South Africa residing there, and are, in either case, subject to the law which, for the time being, is in force there.

As a reply was urgently asked for Ministers telegraphed the opinion direct to the Honorary Secretary to the Association on the 7th April, 1920, and confirmed the wire by letter dated the 8th idem.

J. C. SMUTS.

29485

No. 81.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th June, 1920.)

(No. 314.)

My Lord,

Governor-General's Office, Cape Town, 28th May, 1920.

WITH reference to my despatch, No. 71, of the 12th February,* I have the honour to inform Your Lordship that the Commissioners appointed to inquire into and report upon certain matters concerning the Asiatic community in the Union have now returned to Cape Town after visiting and recording evidence in the principal centres of the Cape Province, the Transvaal, and Natal.

2. One of the members of the Commission, Colonel Wylie, in consequence of ill-health, sailed for England on the 21st of May, but before his departure the Commission submitted an interim report, a copy of which is enclosed, recommending that steps should be taken to establish an organization providing increased facilities for the return of those Indians who are prepared to go back to their homes in India. I understand that Sir Benjamin Robertson is favourable to this proposal, which is now receiving the consideration of the Union Government, but there are likely to be considerable difficulties in the way of its adoption.

3. As regards the various other questions which come within the scope of the Commission's terms of reference, I am informed that the Commissioners have already formulated certain provisional recommendations which they are at present discussing with the representative of the Government of India. They have decided, however, that further inquiries will have to be made, especially in regard to the position in the Transvaal, and it is proposed that Mr. Hofmeyr, assisted by Mr. Corbett as representing the Government of India, should shortly proceed to the Transvaal with a view to ascertaining the actual facts as to the alleged influx of Indians into the country towns of the Transvaal and the alleged increase of Indian trading in recent years. It is anticipated that these inquiries will take about a fortnight, and that the Commissioners will not be in a position to submit their final report for some time.

I have, &c.,

BUXTON,
Governor-General.

Enclosure in No. 81.

TO HIS EXCELLENCY THE RIGHT HONOURABLE VISCOUNT BUXTON, P.C., G.C.M.G.,
GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

MAY IT PLEASE YOUR EXCELLENCY.

WE, the Commissioners appointed by Your Excellency to inquire into, and report upon, the laws affecting the rights of Asiatics to acquire and own land within

* No. 78.

the Union and their rights to trade and carry on business therein, as well as the grievances that have arisen thereunder, have the honour to submit the following Interim Report for Your Excellency's urgent consideration:—

During the course of our inquiries strong evidence has been laid before us which tends to show that there is at present, owing to the shortage of rice and other causes, a considerable number of Indians who, with their families, would be prepared to return to India if opportunity were afforded them.

We have also had evidence from an influential Calcutta merchant, at present on a visit to the Union, who, until recently, was Chairman of the Central Employment and Labour Board under the Government of India, that at the present time, owing to industrial development, the labour supply in India is insufficient to meet the demand, and that good wages are being paid.

The evidence on these points is confirmed by Sir Benjamin Robertson and Mr. G. L. Corbett, the official representative of the Indian Government.

We therefore strongly recommend to Your Excellency that prompt steps be taken to provide the necessary shipping facilities and to appoint an official well acquainted with the Indian mind and their methods to act in a sympathetic manner, and to lay before the Indians the advantages of immediately returning to India.

Two main causes have hitherto militated against the return of many Indians, viz.:—

- (1) The excessively long time they are kept at the Durban Depot awaiting shipment, during which they spend their available money in subsistence and are consequently driven to re-entering employment to enable them to provide for their families and themselves, and
- (2) the fact that they are not allowed to take with them to India their earnings in the shape of gold and their jewellery.

We therefore recommend that immediate steps be taken

- (a) to appoint an official (not connected with the Protector's Department) to organize the return of such Indians as are prepared to go.
- (b) To provide frequent shipping facilities at short intervals.
- (c) To relax the restrictions in the export of gold in so far as necessary in order to allow returning Indians to take their legitimate savings and jewellery with them to India.
- (d) To make provision where necessary for enabling returning Indians and their families to reach their homes after arrival in India.

Evidence was given before the Commission that at a meeting held at Durban during March last of Indians employed by the South African Railways, eighty per cent. of those present expressed their wish to return to India if assisted thereto.

We consider that if action were taken by the Government in furtherance of this desire on the part of their own employees it would become widely known amongst the Indians wishing to return to India, and have good results.

We feel, too, that advantage should be taken of the presence of Sir Benjamin Robertson and Mr. Corbett, in whom the Indian community have the utmost confidence, and whose influence is consequently great, to obtain their assistance and advice in initiating the scheme which we have recommended.

We have, &c.,

JNO. H. LANGE (Chairman).
W. DUNCAN BAXTER.
H. J. HOFMEYR.
JAS. G. WYLIE.

Durban, 12th May, 1920.

38316

No. 82.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd August, 1920.)

(Confidential.)

Governor-General's Office, Cape Town.

My Lord,

16th July, 1920.

WITH reference to my despatch No. 71 of the 12th February last* reporting the constitution of the Indian Enquiry Commission, and to my despatch No. 314

* No. 78.

of the 28th May,* forwarding copy of an interim report submitted by the Commission, I now have the honour to transmit, for Your Lordship's information, three printed copies of the statement† submitted by Sir Benjamin Robertson to the Commission.

2. I do not propose to examine in detail the various questions dealt with in this memorandum, which appears to me to present an able and moderate statement of the case for the Indians. The report of the Commission is not likely, for various reasons, to be issued for some months, and until then Sir Benjamin Robertson's statement is confidential.

3. It may, however, be useful to indicate the broad lines upon which the Indian case is dealt with in this memorandum.

Part I. contains a valuable historical survey of the Indian question in South Africa from the first introduction of indentured Indian labour into Natal.

Part II., which deals with the present position, examines in detail the economic and social aspects of the problem, and contains an interesting analysis of the figures available as to the actual numbers of Asiatics in the Transvaal, the Cape Province, and Natal respectively.

In Part III. Sir Benjamin Robertson traverses the exaggerated statements which have been made (notably by the South Africans' League) as to the influx of Asiatics into the Union and particularly into the Transvaal, and as to the rapid increase of the Indian trading community in this country.

The suggested remedies of compulsory repatriation and/or compulsory segregation are then considered and rejected as impracticable; and it is submitted that the logical solution of the existing difficulties lies in raising the Asiatics' standard of living to the white man's level by means of education, the improvement of wages and housing, welfare work, the enforcement of sanitary and industrial laws based on the white man's standard of living, and, in Natal, by the grant of reasonable opportunities for agricultural development.

It is also recommended that "the administration of the Asiatic policy of the Union Government should be entrusted to a responsible official in whom the Indian community has confidence."

4. Sir Benjamin Robertson and the other members of the deputation from India have now left South Africa.

5. A recent decision of the Appellate Division of the Supreme Court in the case of Dadoo, Ltd., and others *versus* the Municipal Council of Krugersdorp, is referred to on the last page of Sir Benjamin Robertson's memorandum (page 42, Appendix B, paragraph 16).

This important decision reverses the decision of the Transvaal Provincial Division in October last in regard to the transfer of fixed property to a company of which the shareholders are Asiatics (see my despatch No. 220 of the 30th April last‡), and I hope shortly to be in a position to forward copies of the judgments delivered in the Appellate Division.

I have, &c.,

BUXTON,
Governor-General.

49157

No. 83.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6th October, 1920.)

[Answered by No. 84.]

(No. 641.)

MY LORD, Governor-General's Office, Pretoria, 14th September, 1920.

I HAVE the honour to transmit to you herewith, with reference to Lord Buxton's despatch No. 314 of the 28th May, 1920,* the documents mentioned below, on the subject of the repatriation of Indians from the Union to India.

I have, &c.,

J. ROSE-INNES,
Acting Governor-General.

* No. 81

† Not reprinted, see paragraph 48 Commission's Report, U.G. 4-21.

‡ No. 131.

SCHEDULE OF ENCLOSURES.

10th August, 1920. Minute No. 865 from Ministers.
12th August, 1920. Telegram to Viceroy of India.
11th August, 1920. Telegram from Viceroy of India.
18th August, 1920. Telegram from Viceroy of India.
19th August, 1920. Telegram from Viceroy of India.
10th September, 1920. Telegram to Viceroy of India.

Enclosure 1 in No. 83.

(Minute 865.)

Prime Minister's Office, Cape Town, 10th August, 1920.

WITH reference to their Minute No. 504 of the 19th May, 1920, forwarding for the information of His Excellency the Governor-General a copy of the interim report of the Asiatic Commission of Inquiry, Ministers have the honour to state that steps are now being taken to send to India some of the Indians who have voluntarily accepted repatriation to India.

Before Sir Benjamin Robertson's departure it was understood that he was advising the Government of India to open labour depots at Bombay, Madras, and Calcutta to receive Indians upon arrival and to find work for them in the different industries, and that any expense in this connexion would be borne by the Indian Government. Sir Benjamin also suggested that the services of the agents of Messrs. Parry & Company at Madras and Bombay should be engaged to act as forwarding agents on behalf of the Union Government in order to pay the railway fares of the Indians from the port of arrival to their destination in India, and to make all arrangements for their journey, and Ministers would therefore request that a cable be despatched to the Government of India asking them to be good enough to make the necessary arrangements with the agents referred to and to adjust their accounts from time to time on behalf of the Union Government. All amounts expended in this connexion will be refunded upon receipt of the statements of account and invoices.

As some of the Indians who have accepted repatriation wish to leave for India this month, it is desired that all arrangements for their reception in India be completed as soon as possible. The Repatriation Commissioner recently appointed will forward by each boat nominal rolls of the Indians who are being repatriated at the expense of the Union Government.

Ministers desire to add that Messrs. Parry & Company are well acquainted with this class of work, as they have been agents for the Indian Immigration Trust Board of Natal, for many years.

J. C. SMUTS.

Enclosure 2 in No. 83.

GOVERNOR-GENERAL, CAPE TOWN, TO VICEROY, DELHI.

TELEGRAM.

12TH AUGUST, 1920. In accordance with recommendations made in interim report of Asiatic Commission of Inquiry, steps are being taken to send to India some of the Indians who have voluntarily accepted repatriation.

It is understood that Sir Benjamin Robertson advised Government of India to open labour depots at Bombay, Madras, and Calcutta to receive Indians upon arrival and to find work for them, and that any expense in this connexion will be borne by Indian Government. He also suggested that services of agents of Parry & Company at Madras and Bombay should be engaged to act as forwarding agents on behalf of Union Government to pay railway fares from port of arrival to destination in India, and to make all arrangements for journey. My Ministers would be glad if Government of India would make necessary arrangements with agents referred to and adjust their accounts from time to time on behalf of Union Government. All amounts expended in this connexion will be refunded upon receipt of statements of account and invoices.

As some of the Indians wish to leave this month it is desired that arrangements for reception be completed as soon as possible. Repatriation Commissioner will

forward by each boat nominal rolls of those repatriated at expense of Union Government.

Ministers add that Parry & Company are well acquainted with this class of work, as they have been agents for Indian Immigration Trust Board of Natal for many years.

Enclosure 3 in No. 83.

VICEROY, SIMLA, to GOVERNOR-GENERAL, CAPE TOWN.

(Received 12th August, 1920.)

TELEGRAM.

11TH AUGUST. 5142. Government of India understands that Government of Union of South Africa is arranging to give early effect to scheme for repatriation of Indians proposed in interim report of Asiatic Inquiry Commission, and that first batch of repatriatees may be expected shortly at Bombay by ordinary British India S.M. Company fortnightly mail service from Durban. I should be much obliged if you could arrange to let me have early information as to number of Indians who are likely to take advantage of offer of repatriation up to close of current year and proportion of these Indians who will go to Calcutta and Madras respectively, also could I be informed by cable when and by what steamer first batch will start, what will be their numbers, and whether they will go to Madras or Calcutta? Similar information may be sent to us, if no objection, before departure of each steamer.

Enclosure 4 in No. 83.

VICEROY, SIMLA, to GOVERNOR-GENERAL, CAPE TOWN.

(Received 19th August, 1920.)

TELEGRAM.

18TH AUGUST. 5345. Your telegram dated 12th August. I understand from Sir Benjamin Robertson that most of returning emigrants will go to Madras or Calcutta, and I have already consulted local Governments concerned regarding the opening of labour depots. We note your suggestion that Messrs. Parry & Company should be engaged to act as forwarding agents on behalf of the Union of South Africa, and that we should make necessary arrangements with the firm for the payment of railway fares from port of arrival to destination in India, adjusting their accounts from time to time on your behalf. We will make necessary arrangements in consultation with local Governments concerned. Fears are being expressed in India lest pressure be put on Indians to accept repatriation scheme. We trust that you will impress it clearly on the repatriation officer that it must be left to Indians themselves to decide whether they will take advantage of scheme or not, and that no pressure of any kind should be exercised.

Enclosure 5 in No. 83.

VICEROY AND GOVERNOR-GENERAL OF INDIA, SIMLA, to GOVERNOR-GENERAL, CAPE TOWN.

(Received 20th August, 1920.)

TELEGRAM.

19TH AUGUST. 5417. In continuation of my telegram dated 18th August, we desire to endorse suggestions which we understand have been made to you by Sir Benjamin Robertson, namely, that an Advisory Committee should be appointed to advise the repatriation officer, Indians being represented on the Committee. Action of this kind would go far to allay public feeling in India which is exercised by the repatriation scheme. It would also be useful if you could, with reference to previous telegrams, give us an assurance that the scheme will be worked on purely voluntary basis.

Enclosure 6 in No. 83.

ACTING GOVERNOR-GENERAL, PRETORIA, to VICEROY, SIMLA.

TELEGRAM.

10TH SEPTEMBER, 1920. Your telegrams of 11th August, No. 5142, 18th August, No. 5345, and 19th August, No. 5417. Repatriation of Indians.

Ministers state that appointment of Committee to advise Repatriation Commissioner is engaging their attention and give assurance that all officers concerned were informed from outset that repatriation was to be solely a voluntary matter, and that no compulsion or persuasion whatever was to be used.

First shipment of Indians, sixty-one for Madras and thirty-four for Calcutta, total 95, left Durban for Bombay by s.s. "Karagola" on 2nd September. Ministers presume that if Parry & Company have no agents at Bombay, Indian Government will arrange for repatriated persons to be met and supplied with railway warrants to their destinations. The ship's captain is carrying all relative papers.

Information as to number of Indians likely to take advantage of offer of repatriation up to close of current year will be supplied at later date.

51600

No. 84.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

[Answered by No. 85.]

(No. 446.)

SIR,

Downing Street, 9th November, 1920.

WITH reference to Your Excellency's despatch No. 641 of the 14th September,* relative to the repatriation of Indians from the Union to India, I have the honour to request you to inform your Ministers that the Secretary of State for India has inquired whether the Committee suggested by the Viceroy of India in his telegram of the 19th August,† has been appointed, and whether it has been found practicable to give effect to Sir B. Robertson's suggestion that Indians should be represented thereon.

2. Mr. Montagu has observed that, as stated in the Viceroy's telegram, such action would be valuable in allaying public anxiety as to the repatriation scheme in India, in addition to any advantage which it might possess in facilitating the working of the scheme in South Africa itself.

I have, &c.,

MILNER.

7133

No. 85.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th February, 1921.)

[Answered by No. 94.]

(No. 41.)

MY LORD,

Governor-General's Office, Pretoria, 26th January, 1921.

I HAVE the honour to transmit to Your Lordship, herewith, with reference to your despatch No. 446, of the 9th November, 1920,‡ copy of a minute from Ministers (with enclosure), dated 20th January, 1921, on the subject of the repatriation of Indians to India from South Africa.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

* No. 83.

† Enclosure 5 in No. 83.

‡ No. 84.

Enclosure in No. 85.

MINUTE 57.

Prime Minister's Office, 20th January, 1921.

WITH reference to His Royal Highness the Governor-General's minute No. 15/1049, dated the 2nd December, 1920, on the subject of the appointment of a committee to advise and assist the Repatriation Commissioner, Ministers have the honour to inform His Royal Highness the Governor-General that up to the present the need for an Advisory Committee has not become apparent. The work of repatriation is proceeding slowly, and Ministers desire that the Indian Government be given an assurance that only voluntary repatriates are being provided with passages to India. If the appointment of a committee becomes necessary at any time immediate action will be taken to give effect to the proposal.

Ministers desire to add that no propaganda work is being undertaken to persuade Indians to accept repatriation to India, and that up to date only a short pamphlet has been distributed drawing the attention of Indians to the scheme now in operation. A copy of this pamphlet is attached for the information of the Indian Government.

HENRY BURTON.

UNION OF SOUTH AFRICA.

Indian Repatriation Office, P.O. Box 314, Pietermaritzburg.

1. The Union Government have decided to repatriate any Indians who may desire to return to India. All expenses will be paid by Government for each Indian to his home or destination in India.
2. Every adult Indian will be allowed to take away with him, or her, gold or jewellery, or both, up to the value of £25. Every family will be allowed to take up to £50. Any sum of money exceeding these amounts will be sent by draft, and will be paid to the owner upon his arrival in India.
3. Every Indian accepting Government's offer, and who leaves the country at Government's expense, will renounce all rights to re-entry in terms of the Indian Relief Act of 1914.
4. The Indian Government are making arrangements to receive Indians returning to India, and finding them employment. Labour depôts are being opened at Bombay, Calcutta, and Madras.
5. Food is plentiful in India, the crops have been very good, and brown rice is Rs. 24 per sack of 165 pounds. Brown rice has not been obtainable in South Africa for more than two years.
6. The Government have no desire to induce any Indian to leave his or her present employment, but Indians desiring to return to India can do so by making application to the Repatriation Commissioner. Indians under contract or indenture must complete their contract of service before leaving South Africa.

HERBERT C. WYNNE COLE,
Repatriation Commissioner.

15904

No. 86.

INDIA OFFICE to COLONIAL OFFICE.

(Received 4th April, 1921.)

[See No. 90.]

(Immediate and Confidential.)

SIR, India Office, Whitehall, London, S.W.1, 2nd April, 1921.
WITH reference to correspondence ending with Sir H. Lambert's letter of 4th March,* regarding the final report of the Asiatic Inquiry Commission in South Africa, I am directed by the Secretary of State for India to transmit copy of a telegram received from the Government of India on the subject, from which

* 8463: not printed. It dealt with arrangements for the supply of copies of the Report, when available.

it appears that the Commission's recommendations have now been published. I am accordingly to suggest that the Union Government might be requested by telegraph to send a sufficient supply of copies of the report, if they have not already been despatched, for the information of His Majesty's Government, and also a few copies direct to the Government of India, Commerce Department, in order to avoid delay in its transmission from this country.

2. With reference to the second paragraph of the Government of India's telegram, I am to enclose, for ease of reference, two copies of the statement* placed before the Commission by Sir B. Robertson.

3. Mr. Secretary Montagu wishes to draw particular attention to the suggestion made in the last paragraph of the Government of India's telegram, with which he fully concurs, and he would accordingly ask that a telegram should be addressed to the South African Government pointing out the strong desirability of postponing any action on the report pending the consideration of the question of the position of Indians in other parts of the Empire by the Imperial Cabinet.

I have, &c.,

M. C. SETON.

Enclosure in No. 86.

VICEROY, COMMERCE DEPARTMENT, to SECRETARY OF STATE

(Received 11 a.m., 29th March, 1921.)

TELEGRAM.

DELHI, 28th March, 1921. 2729. Summary of recommendations of South African Asiatic Inquiry Commission has been cabled here by special correspondent of the *Times of India*, Bombay. It appears that Commission's general conclusion is that so-called Asiatic menace has been greatly exaggerated. Nevertheless, it is stated that Commission has recommended no relaxation of existing restrictions, and a majority has recommended that new restrictions should be imposed on acquisition of land by Indians in Natal.

2. In this connexion please see paragraphs numbers 11, 12, 33, 69, 81 of Robertson statement sent with Commerce Secretary's letter 25th November, number 8270. While reserving our views generally until full text of report is received, we consider that no time should be lost in lodging protest against new restrictions now recommended. We concur with Robertson that this would be breach of spirit of agreement of 1914, and in case of ex-indentured Indians and their descendants would also be breach of conditions of recruitment. This appears also to be view held by Duncan Baxter in dissenting minute.

3. We suggest, generally, that representations should be made to Union Government to take no action on the report until whole question of position of Indians in other parts of Empire has been discussed at forthcoming Imperial Conference.

15904

No. 87.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 10.40 a.m., 7th April, 1921.)

TELEGRAM.

[Answered by No. 89.]

(Paraphrase.)

WITH reference to your despatch No. 120, of the 11th March,† regarding Asiatic Inquiry Commission, Secretary of State for India urges strong desirability of postponing any action on report pending consideration by Imperial Cabinet of question of position of Indians in other parts of Empire. I should be glad if twelve further copies of report could be sent to me, and also a few copies direct to the Government of India Commerce Department.—SECRETARY OF STATE FOR THE COLONIES.

* Not reprinted: see No. 82.

† 15074: not printed. Forwarded copies of Report of Asiatic Inquiry Commission [U.G. 4-21].

17103

No. 88.

INDIA OFFICE to COLONIAL OFFICE.

(Received 9th April, 1921.)

[Answered by No. 90.]

(Immediate and Confidential.)

SIR, India Office, Whitehall, London, S.W., 8th April, 1921.

I AM directed by the Secretary of State for India to acknowledge receipt of Sir Herbert Read's letter, of 5th April,* and the accompanying copy of a despatch from the Governor-General of South Africa, and copies of the report of the Asiatic Inquiry Commission.

Mr. Secretary Montagu reserves his comments on the report as a whole, but he wishes at once to refer to the recommendation of the majority of the Commission (Mr. Baxter dissenting) contained in paragraph 199 that provision should be made by legislation to restrict the rights of Indians in Natal to acquire land. In their telegram of 28th March, copy of which was enclosed with the letter from this Office dated 2nd April,† the Government of India have stated their concurrence with the views expressed in paragraphs 11 and 12 of Sir B. Robertson's statement that the enactment of a new law imposing fresh restrictions on Indians would be a breach of the spirit of the agreement of 1914, and that it would be inequitable to deprive the ex-indentured Indians (or their descendants) in Natal of rights which were open to them at the time of their introduction and were in effect conditions of their recruitment (compare paragraph 69 of Sir B. Robertson's statement).

The sections of the report which deal with the Asiatic question in Natal appear to contain no justification for the new disability which it is sought to impose. Paragraph 143 records that Indians in Natal have always enjoyed the same rights and privileges in regard to the ownership of land as Europeans, and that the Indians in that province who gave evidence before the Commission were mainly concerned "to combat any attempts or proposals to deprive them of the rights and privileges which they and their forbears have possessed since their first arrival in the country some sixty years ago," instead of demanding greater rights than those already enjoyed. In view of this moderate attitude on the part of the Natal Indians, it appears the more remarkable that a majority of the Commission should themselves propose to deprive them of an essential part of their existing rights. The only ground for the recommendation disclosed in the report is a fear of an Asiatic influx into the uplands which appears to be entertained by the European farmers in those districts; but the report (paragraph 155) characterizes this fear as a mere apprehension of what may happen in the future, and states that the acquisition of land by Asiatics in the upland districts is not, as a matter of fact, widespread, and, moreover (paragraph 156) that "Indians, as a rule, are not successful at ordinary agricultural or stock farming," from which it would appear that the fear of a large Asiatic influx is quite chimerical.

Mr. Montagu observes that the arguments against the proposed restriction are convincingly stated in Mr. Baxter's reservation to the report. Since Indians (given a good tenure) are likely to succeed as cultivators in the Coast Belt, and have less chance of prospering as farmers in the uplands, their gravitation to the former area would be the natural result of the free play of economic forces, provided that no attempt is made to interfere in their choice of their own interests by means of an artificial system of legalized segregation that would be bound to arouse vehement resentment.

I am to request that, if Mr. Secretary Churchill sees no objection, representations in the above sense, on behalf of the Government of India and the Secretary of State for India should be made to the Union Government by telegraph.

I am also to inquire whether it has been found possible to adopt the suggestion that the Union Government should be asked by telegraph to defer any action on the report pending the forthcoming meeting of the Imperial Cabinet.

I am, &c.,

J. E. FERARD

* 15074: not printed: it transmitted copies of the Report of the Asiatic Inquiry Commission [U.G. 4-21]. † No. 86.

17677

No. 89.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.50 p.m., 11th April, 1921.)

TELEGRAM.

11TH APRIL. Your telegram of 7th April,* Asiatic Inquiry Commission. Government of Union of South Africa has decided to postpone legislation until next session Parliament (see my despatch 8th April, No. 189†). Six further copies of report sent you with my despatch 18th March, No. 141,‡ and will forward another six by next mail. Three copies forwarded Viceroy and Governor-General of India.—ARTHUR FREDERICK.

17103

No. 90.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 95.]

SIR,

Downing Street, 14th April, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 8th instant,§ on the subject of the report of the Asiatic Inquiry Commission, and to request you to inform Mr. Secretary Montagu that a copy has been forwarded confidentially to the Governor-General of the Union of South Africa for the consideration of the Union Government.

2. As the Union Government have decided to postpone legislation in the matter until the next session, as will be seen from the Governor-General's telegram of the 11th April,|| a copy of which is enclosed, it has been assumed that Mr. Montagu will agree that in the circumstances it is not necessary to telegraph to the Governor-General.

3. I am also to enclose a copy of a further despatch¶ from the Governor-General upon the subject.

I am, &c.,

HENRY LAMBERT.

17103

No. 91.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 14th April, 1921.

WITH reference to my telegram of the 7th April,* and to Your Royal Highness's telegram in reply, of the 11th idem,|| I have the honour to transmit to you, for the consideration of your Ministers, a copy of a letter§ which has been received from the India Office on the subject of the report of the Asiatic Inquiry Commission. A copy of the telegram of the 28th March,** from the Government of India, to which reference is made, is also enclosed.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 87. † 20478: not printed, as the material part is summarized in No. 89. ‡ 16407: not printed: it merely transmitted printed documents. § No. 88. || No. 89. ¶ 17337: not printed. Forwarded extract from Cape Times of 18th March, 1921, containing report of debate in House of Assembly. ** Enclosure in No. 86.

27039

No. 92.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st May, 1921.)

[Answered by No. 97.]

(Confidential. (4))

SIR,

Governor-General's Office, Cape Town, 13th May, 1921.

I HAVE the honour to report that an afternoon was set aside in the House for discussion of the report of the Asiatic Inquiry Commission in order that Members might have an opportunity of expressing their views before the Government undertakes the preparation of the new Asiatic Bill it proposes to introduce next Session.

2. Summarized the discussion showed that three main solutions were supported by members:—

1. Compulsory segregation, urban and rural.
2. Compulsory repatriation.
3. Vigorous encouragement of voluntary repatriation to India and British Guiana.

3. Speakers in favour of segregation denounced the report of the Commission as wholly unsatisfactory, alleging that it dealt very vaguely with acute problems upon which a decision was essential. In effect, the Commission's verdict was in favour of segregation, but their final judgment maintained that it should be voluntary. This proposal provided no solution, simply because the Indians would not, of their own free will, submit to segregation. The Indians had been brought into South Africa by their forefathers, and the policy of indenture had been continued in their own generation. They now realized that a mistake had been made, but that did not exonerate them from the responsibility of treating these Asiatics fairly. Nor did it absolve them from the duty of taking steps to see that their children did not inherit these disabilities which would be greatly aggravated by time. To prohibit further Indian immigration was not sufficient. Existing tenure of land by Asiatics could not equitably be interfered with, but no further acquisition of land by purchase, lease or other means should be permitted. It was impossible for them to go on listening to what the Government of India had to say. Many Indians claimed South African nationality and yet continued to appeal to the Indian and Imperial Governments. India had no right to oppose just segregation. It was true that these coolies were invited to come to Natal, but they were imported for menial work, it being implied in their contracts that they were expected to return to India.

4. Other speakers argued that segregation and compulsory repatriation were out of the question. Even the United States of America with its preponderating European population had been unable to enforce segregation. How much more impracticable, they asked, must this method prove if attempted in Natal, where there were only 122,000 whites and over 135,000 Indians? The Government had impeded voluntary repatriation by forbidding Indians willing to return to their country to take gold, in jewellery or savings, with them. In the opinion of these Members the country would be more than compensated by getting rid of the Indians, even if it involved considerable expense.

5. Mr. Merriman remonstrated with members for speaking of the Indians as though they were all coolies. He reminded those of them who had talked about "civilization" and the "psychology of the East and West" that Indians had reached an advanced state of civilization while our own ancestors were still sunk in barbarism. Even the Christian religion came from Asia. He asked the House to remember that South Africa was a partner in the League of Nations and, as a consequence, was under a certain amount of obligation to other nations. While himself opposed to the League he felt that the Union should abide by its covenant and respect the rights of other nations.

6. The Minister, in reply, emphasized the seriousness of the whole question. The Government would endeavour to introduce legislation next Session, but he could make no rash promises. Outside Natal there had been no serious increase in the number of Indians. Members should not forget it was at the urgent request of the Natal Government, through the Imperial Government, that the immigration of Asiatics was allowed to go on. Whenever the people of South Africa had been able to make up their minds in regard to Indian immigration their decision had never

been thwarted by either the Imperial or Indian Government. It was impossible to allow anyone to take unlimited quantities of gold out of the country, but the Government had no objection to Indians taking their gold ornaments or gold coin to the value of £25 when they left the country. He asked Members to recollect that these questions could not be decided without regard for other Powers. The United States of America, for example, had been unable to have its way with a few Japanese in California. He meant to study the problem very carefully and hoped to arrive at some arrangement under which the separation of the two races in the towns could be achieved. The debate was then adjourned.

7. This discussion has aroused much resentment among the Indians, as will be seen from the attached telegram which I have received from the President of the British Indian Council, Port Elizabeth. For my own part, I find it difficult to sympathize with them in this instance. The speeches reported in the attached cuttings* were moderate throughout, and sometimes complimentary.

I have, &c.,

ARTHUR FREDERICK,
Governor-General

Enclosure in No. 92.

BRITISH INDIAN COUNCIL, PORT ELIZABETH, to GOVERNOR-GENERAL, CAPE TOWN.

TELEGRAM.

10TH MAY, 1921. Mass Meeting, Sunday, protest against unjust humiliating spirit debates House of Assembly proceeding report Asiatic Inquiry Commission in touching point allocate distinct areas, both rural and urban, in Union; also view alarming feeling attitude touching compulsory and voluntary repatriation against law-abiding citizens of the British Empire, and further opposed against introducing drastic legislation detrimental to the wishes of the community, and seeks British fair play and justice. Community also suggested calling emergency Indian conference claiming status forthcoming Imperial Conference and League of Nations sympathy solicited to the law-abiding British citizen who had served the British tradition for a century and half.

27039

No. 93.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 6th June, 1921.

WITH reference to the letter from this Department of the 31st May,† I am directed by Mr. Secretary Churchill to transmit to you, for the information of Mr. Secretary Montagu, a copy of a Confidential despatch‡ from the Governor-General of the Union of South Africa relating to the discussion in the House of Assembly of the report of the Asiatic Inquiry Commission.

I am, &c.,

HENRY LAMBERT.

30230

No. 94.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.15 p.m., 29th June, 1921.)

TELEGRAM.

[Answered by No. 98.]

29TH JUNE. Your despatch of 26th January, No. 41,§ repatriation of Indians. Government of India state that paragraphs 4 and 5 of pamphlet issued

* Cape Times, 4th May, 1921. † 25030: L.F. not printed: it transmitted extracts from the Cape Times of the 4th of May on the debate in the House of Assembly on the Report of the Asiatic Inquiry Commission. ‡ No. 92. § No. 85.

by Repatriation Commissioner are not in accordance with facts. So few Indians have been repatriated from Natal that it has not been possible to open labour depôts for them. There is famine in several provinces now in India, and experience shows that repatriates are in considerable difficulties and unable to find suitable employment. In circumstances, Indian Government and Secretary of State for India hope these two paragraphs may be deleted.—SECRETARY OF STATE FOR THE COLONIES.

47978

No. 95.

INDIA OFFICE to COLONIAL OFFICE.

(Received 26th September, 1921.)

[Answered by No. 96.]

SIR, India Office, Whitehall, London, S.W., 26th September, 1921.
I AM directed by Mr. Secretary Montagu to refer to your letter of 14th April, 1921,* and connected correspondence, on the subject of the report of the South African Asiatic Enquiry Commission.

At the time of the presentation of the report the Union Government decided to postpone legislation on the matters dealt with by the Commission. Mr. Montagu would be glad to learn how this question now stands, and would suggest for Mr. Churchill's consideration that, unless information has already been received from the Governor-General, a telegram of inquiry might be addressed to His Royal Highness.

In view of the close bearing of the matters referred to the Commission, on the welfare of the Indian communities in South Africa, and having regard to the suggestions made by Sir B. Robertson in the statement† which he prepared for the Commission, Mr. Montagu is anxious to be in a position to inform the Government of India as nearly as possible in advance of any steps which the Union Government may have in contemplation. He suggests that it would be convenient and might save later misunderstanding and friction if the Union Government could indicate the general lines on which they propose to deal with these questions before they actually introduce any legislation. The Government of India would thus be enabled to make early representations on any particular points, and the South African Government would have an opportunity of considering these points before legislation was introduced or passed.

Mr. Montagu, therefore, ventures to ask that the Governor-General be requested to advise whether the Union Government would be likely to consider such a suggestion favourably. He would also ask that in any event His Royal Highness should be requested by telegram to send copies of any Bill that may be introduced to His Majesty's Government and also direct to the Government of India immediately on its introduction.

I am, &c.,
L. J. KERSHAW.

47978

No. 96.

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 1st October, 1921.
I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 26th September,‡ regarding the report of the South African Asiatic Enquiry Commission, and to transmit to you for the information of Mr. Secretary Montagu a copy of a despatch§ which has been sent to the Governor-General of the Union of South Africa on the subject.

2. Mr. Churchill understands that the Union Parliament is not likely to meet until about March, 1922, and in the circumstances he has not considered it necessary to telegraph to the Governor-General on the matter.

I am, &c.,
HENRY LAMBERT.

* No. 90. † See No. 82. ‡ No. 95. § No. 97.

47978

No. 97.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 99.]

(Confidential.)

SIR,

Downing Street, 1st October, 1921.

WITH reference to Your Royal Highness's despatch, Confidential (4), of the 13th May,* on the subject of the report of the Asiatic Inquiry Commission, I have the honour to inform you that the Secretary of State for India has inquired what is the present position regarding legislation on the matters dealt with by the Commission.

2. In view of the close bearing of the questions, referred to the Commission, on the welfare of the Indian communities in South Africa, and having regard to the suggestions made by Sir B. Robertson in the statement† which he prepared for the Commission, Mr. Montagu is anxious to be in a position to inform the Government of India as early as possible in advance of any steps which the Union Government may have in contemplation. He suggests that it would be convenient, and might save later misunderstanding and friction, if the Union Government could indicate the general lines on which they propose to deal with these questions before they actually introduce any legislation. The Government of India would thus be enabled to make early representations on any particular points, and the Union Government would have an opportunity of considering these points before legislation was introduced or passed.

3. If you consider that this suggestion would be favourably received, I should be glad if you would approach your Ministers accordingly. I should be glad, in any event, if you would keep me as well informed as possible of any developments. Copies of any Bill which may be introduced should be sent, immediately on its introduction, both to me and also direct to the Government of India.

I have, etc.,
WINSTON S. CHURCHILL.

50437

No. 98.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th October, 1921.)

(No. 657.)

SIR,

Governor-General's Office, Pretoria, 16th September, 1921.

I HAVE the honour to transmit to you herewith, with reference to your telegram of the 29th June, 1921,‡ copy of a minute from Ministers on the subject of the pamphlet issued in connexion with the repatriation of Indians to India.

I have, etc.,
J. ROSE INNES,
Deputy for the Governor-General.

Enclosure in No. 98.

MINUTE No. 926.

(199/172/74.)

Prime Minister's Office, 15th September, 1921.

WITH reference to His Royal Highness the Governor-General's minute No. 15/1081, of the 6th July, 1921, on the subject of the issue of a pamphlet in connexion with the repatriation of Indians, Ministers have the honour to state that the information given in paragraph 4 of the pamphlet was the result of an understanding that Sir Benjamin Robertson, on his return to India, would arrange with the Government of India to open labour depôts for those Indians repatriated. The first intimation that Ministers received that the depôts had not been established

* No. 92. † See No. 82. ‡ No. 94.

was contained in the Viceroy's despatch forwarded under His Royal Highness's minute No. 15/1061, of the 4th April, 1921, and the Repatriation Commissioner was duly notified.

In regard to paragraph 5 of the pamphlet the information concerning crops and rice was obtained from statements made by a leading European jute manufacturer and merchant from India who gave evidence before the Asiatic Inquiry Commission. It has since been confirmed by Indian merchants resident in Natal, but it was, of course, understood that any prices quoted would fluctuate with the state of the market.

In view, however, of the telegram from the Secretary of State, Ministers have given instructions for the issue of an amended pamphlet to supersede that now in question.

J. C. SMUTS.

57418

No. 99.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.15 a.m., 17th November, 1921.)

TELEGRAM.

(Paraphrase.)

With reference to your despatch of 1st October, Confidential,* regarding Indian policy, I have not thought it advisable to approach Ministers officially, but have spoken to Minister concerned. I will keep you informed of developments.—ARTHUR FREDERICK.

58740

No. 100.

INDIA OFFICE to COLONIAL OFFICE.

(Received 26th November, 1921.)

Sir, India Office, Whitehall, London, S.W., 25th November, 1921.

With reference to previous correspondence regarding Indians in South Africa, I am directed by Mr. Secretary Montagu to state, for the information of Mr. Secretary Churchill that, after consultation with the Government of India, he has come to the conclusion that it would be an advantage if the Government of India were to address the Government of South Africa direct on the subject of the report of the Asiatic Inquiry Commission. Such a procedure would appear to accord with the last paragraph of Resolution No. IX of the recent Imperial Meeting in London, in which the Conference put on record that the representatives of India hoped that by negotiation between the Governments of India and South Africa some way can be found, as soon as may be, to reach a more satisfactory position in regard to the question of Indians in South Africa.

The Government of India have had under consideration the report of the Asiatic Inquiry Commission with a view to addressing the Union Government on the subject, and now desire that they should be enabled to address that Government direct and depart in this instance from the ordinary procedure of transmitting their views through the channel of the India Office and the Colonial Office. In view of the circumstances, the Secretary of State for India in Council has agreed, as an application of the method indicated above to this particular case, to delegate to the Government of India the necessary authority to address a communication direct to the Government of South Africa.

I am to suggest that, if Mr. Churchill sees no objection, His Royal Highness the Governor-General should be informed by telegram that this procedure is being adopted in regard to this particular matter, and that he may expect to receive in due course a despatch from the Government of India on this subject.

I have, &c.,

M. C. SETON.

* No. 97.

58740

No. 101.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.35 p.m., 30th November, 1921.)

TELEGRAM.

SECRETARY of State for India states that after consultation with Government of India he has authorized Government of India to address your Government direct on subject of report of Asiatic Inquiry Commission. This procedure would appear to accord with last paragraph of resolution nine of recent conference of Prime Ministers. You may therefore expect to receive communication from Government of India in due course.—SECRETARY OF STATE FOR THE COLONIES.

(b) Admission of wives and children of resident Indians who have divorced their previous wives.

1763

No. 102.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th January, 1920.)

[Answered by No. 105.]

(Confidential.)

My Lord, Governor-General's Office, Pretoria, 8th December, 1919.

With reference to Your Lordship's despatch Confidential (2), of the 7th July,* regarding the admission to the Union of the wives and children of resident Indians who have divorced their previous wives, I have the honour to transmit the accompanying copy of a minute from my Ministers.

I have, &c.,

BUXTON,
Governor-General.

Enclosure in No. 102.

MINUTE No. 1694.

Prime Minister's Office, 29th November, 1919.

With reference to His Excellency the Governor-General's Confidential minute No. 15/968, dated the 4th September, 1919, transmitting copy of a despatch from the Secretary of State, with enclosure, regarding the question of the admission to the Union of the wives and children of Indians legally resident who have divorced their previous wives. Ministers have the honour to state that the effect of the decision in the case of Nandkor, if carried to its ultimate conclusion, would be that, even if a marriage was dissolved by the Union Courts a man would still be debarred from bringing to the Union another wife so long as the divorced wife or any of her children were in the Union. The decision has not, however, been interpreted strictly in that way, despite many difficulties that have arisen. If a European is granted a divorce it is obtained on solid grounds. He can then remarry, and, having once remarried, he cannot take his divorced wife back whilst the second marriage exists. With an Indian the position is different. He can divorce a wife, marry another, and a few months afterwards take back the old wife whilst still retaining the new one, with the result that he has two (or more) wives and families in the Union. Such action is particularly common to Mohammedans. It is not the marriage with another woman after divorce that is the stumbling block where Indian divorces are concerned, but the fact that an Indian can take back the divorced wife whilst still retaining the new one, even though he has obtained an order of divorce from a competent court.

* No. 120 in Dominions No. 70.

Ministers have the honour to state further, for the information of the Secretary of State, that, as the result of representations made to them by a deputation from a conference of Indians held in Cape Town in 1918, they decided that the introduction by an Indian of a wife and the minor children of such wife should be permitted, provided that the marriage of the second wife took place after the divorce of the first wife and that the man has no other wife in the Union. Each case is fully inquired into and decided on its merits.

Ministers would add, in conclusion, that they are not prepared to introduce legislation or to further extend the concession referred to in the previous paragraph of this minute.

J. C. SMUTS.

1763

No. 103.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 104.]

SIR,

Downing Street, 21st January, 1920.

WITH reference to your letter of the 6th June, 1919,* I am directed to transmit to you, to be laid before Mr. Secretary Montagu, the accompanying copy of a despatch from the Governor-General relative to the admission into the Union of South Africa of wives and children of resident Indians who have divorced their previous wives.

I am, &c.,

HENRY LAMBERT.

6654

No. 104.

INDIA OFFICE to COLONIAL OFFICE.

(Received 7th February, 1920.)

[Answered by L. F., transmitting copy of No. 106.]

SIR,

India Office, Whitehall, London, S.W., 6th February, 1920.

I AM directed by the Secretary of State for India to acknowledge the receipt of Sir H. Lambert's letter of 21st January,† transmitting copy of a despatch from the Governor-General of South Africa relative to the admission into the Union of the wives and children of resident Indians who have divorced their previous wives.

The Ministers' minute which accompanies Lord Buxton's despatch states that the decision in the Nandkor case has not been interpreted strictly so as to exclude a second wife after the dissolution of a first marriage by the Union Courts, and refers to the difficulties of treating Indian divorce as identical in its incidents with divorce between Europeans. These difficulties are appreciated; but I am to refer in this connexion to the suggestion made in the last paragraph of the memorandum enclosed with this Office letter of the 6th June last,* that the position might be safeguarded by prescribing specified grounds on which divorce might be recognized for the purposes of the Immigration Department, on the analogy of those specified by Natal Act 25 of 1891. It is not stated whether this point was considered by Ministers, but it is recognized that it would probably require fresh legislation, which Ministers are not prepared to introduce.

It is noted that as the result of representations made by a deputation from the Indian Conference, at Cape Town, in 1918, Ministers decided that "the introduction by an Indian of a wife and the minor children of such wife should be permitted, provided that the marriage of the second wife took place after the divorce of the first wife, and that the man has no other wife in the Union." I am to inquire (1) whether this may be interpreted as meaning that a second wife may be admitted if the divorced first wife is not resident in the Union, notwithstanding that there might be children of the first wife in the Union (i.e., in circumstances such as arose in the case of Nandkor); (2) whether it is involved in the decision that the children

* No. 119 in Dominions No. 70. † No. 102. ‡ No. 103.

of a divorced first wife (who is not in the Union) may be admitted (a) only if the second wife is not resident in the Union, notwithstanding that her children might be in the Union, or (b) even if the second wife is herself resident in the Union in addition to her children, if any (i.e., in circumstances such as arose in the case of Fatima).

I have, &c.,

J. E. FERARD.

6654

No. 105.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 106.]

(Confidential.)

MY LORD,

Downing Street, 19th February, 1920.

I HAVE the honour to acknowledge the receipt of your Excellency's Confidential despatch of the 8th December, 1919,* forwarding a minute from your Ministers on the subject of the admission into the Union of the wives and children of resident Indians who have divorced their previous wives.

2. It is noticed that your Ministers, as a result of representations made to them by a deputation from the Indian Conference at Cape Town in 1918, decided that "the introduction by an Indian of a wife and the minor children of such wife should be permitted, provided that the marriage of the second wife took place after the divorce of the first wife, and that the man has no other wife in the Union." In this connexion the Secretary of State for India has inquired (1) whether this may be interpreted as meaning that a second wife may be admitted if the divorced first wife is not resident in the Union, notwithstanding that there might be children of the first wife in the Union (i.e., in the circumstances such as arose in the case of Nandkor); (2) whether it is involved in the decision that the children of a divorced first wife (who is not in the Union) may be admitted (a) only if the second wife is not resident in the Union, notwithstanding that her children might be in the Union or (b) even if the second wife is herself resident in the Union in addition to her children, if any (i.e., in circumstances such as arose in the case of Fatima).

3. I should be glad to receive the observations of your Ministers on these points.

I have, &c.,

(For the Secretary of State)

L. S. AMERY.

26971

No. 106.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st June, 1920.)

(Confidential (2).)

MY LORD,

Governor-General's Office, Cape Town, 14th May, 1920.

I HAVE the honour to transmit to you herewith, with reference to Your Lordship's despatch Confidential, of the 19th February, 1920,† copy of a minute from Ministers, dated 11th May, 1920, on the subject of the admission into the Union of the wives and children of resident Indians.

I have, &c.,

BUXTON.

Governor-General.

Enclosure in No. 106.

Prime Minister's Office, 11th May, 1920.

MINUTE 457.

WITH reference to His Excellency the Governor-General's minute No. 15/1010, of the 23rd March last, on the subject of the admission into the Union of the wives

* No. 102.

† No. 105.

and children of legally resident Indians who have divorced their previous wives, Ministers have the honour to reply as follows to the observations raised by the Secretary of State, namely:—

1. The second wife of an Indian may be admitted if the divorced first wife is not resident in the Union, notwithstanding that there might be children of the first wife in the Union.
2. (a) The children of a divorced first wife (who is not in the Union) may be admitted if the second wife is not resident, notwithstanding that her children might be in the Union.
2. (b) The children of a divorced first wife may be admitted even if the second wife is herself resident in the Union in addition to her children, if any.

Ministers would add that the admission under each head is subject to the proviso that the marriage of the second wife took place after the divorce of the first wife. It is not proposed to deal with these cases in a general way, but to inquire into and decide each such case on its merits, as stated in the penultimate paragraph of Ministers' minute No. 1694 of the 29th November, 1919.

J. C. SMUTS.

24256

No. 107.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th May, 1921.)

(No. 240.)

SIR, Governor-General's Office, Cape Town, 26th April, 1921.
I HAVE the honour to transmit to you, herewith, with reference to Mr. Walter Long's despatch No. 100, of the 28th February, 1917,* copy of a minute from Ministers, with enclosure, on the subject of the arrangements for the admission into the Union of the wives and minor children of Indians.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 107.

MINUTE 378.

Prime Minister's Office, 22nd April, 1921.

WITH reference to Lord Buxton's Minute No. 15/862, of the 24th March, 1917, and previous correspondence relative to the admission to the Union of the wives and minor children of Indians resident in the Union, Ministers have the honour to inform His Royal Highness the Governor-General that the procedure agreed upon by the Government of India is not, in many instances, being carried out. The procedure is for an Indian lawfully resident in the Union to apply on the prescribed form for permission to bring into the Union his wife and children, and a form (D.I.91) is then forwarded to the Magistrate of the District in India in which those people reside for completion by him of the certificate thereon, the nominees attaching their identification marks and retaining the form. The certificate is only a provisional one, and does not in itself give the nominee any claim to enter the Union.

Intending immigrants have been known to apply for, and obtain, a passport from the nearest Passport Officer, a document which is of no value as an authority to enter the Union, and cases have occurred where the certificate on the form D.I.91 has been given by a third-class Magistrate, usually a coloured official.

In this connexion, the Government of India's Resolution No. 8759-8744-24, of 3rd September, 1914, would appear to refer, and it is desired to point out that the certificates on the form D.I.91 should be signed by a Chief Presidency Magistrate or a Political Officer, as the case may be, but in any event by a European official, and that passports, or similar documents, should not be issued to any persons not in possession of the necessary certificate enabling them to proceed to the Union.

* No. 32 in Dominions No. 63.

Ministers, therefore, request that representations may be made to the Government of India with a view to the correct procedure being followed in order to avoid the restriction of intending entrants whose claims may be legitimate, but who, owing to the absence of the necessary documents, are prohibited, with entailing hardship.

As a case in point of the issue of a passport to a person not entitled to enter the Union, Ministers attach a passport, No. 4695,* issued to Must Subajan by the Government of Punjab at Lahore. Must Subajan is the wife of an Indian domiciled in the Union who already has a wife and family resident with him, and the holder of the passport in question was prohibited. On further representations, however, and in view of the fact that Must Subajan proceeded to the Union of South Africa in good faith on the passport irregularly issued by the Government of Punjab, she has been allowed to remain, although not legally entitled to do so.

J. C. SMUTS.

60741

No. 108.

INDIA OFFICE to COLONIAL OFFICE.

(Received 8th December, 1921.)

SIR, India Office, Whitehall, London, S.W., 7th December, 1921.

WITH further reference to your letter of the 8th June,† regarding the procedure for regulating the admission into the Union of South Africa of the wives and minor children of Indians resident therein, I am directed by Mr. Secretary Montagu to transmit for the information of Mr. Secretary Churchill copy of a telegram dated 26th November, 1921, which has been received from the Government of India on this subject.

2. It will be observed that Provincial Governments in India are being instructed that ordinarily passports should not be issued to Indians who would evidently be unable to comply with the Immigration Regulations, and that clear warnings will be given to intending emigrants in doubtful cases.

3. With regard to paragraph 3 of the Government of India's telegram, I am to enclose, for easy reference, copy of the Resolution of 3rd September, 1914, which is referred to; it will be seen that it was always contemplated that, as stated in the Resolution, the certificate which is in question should be signed by the principal local magistrate in India, viz., the Chief Presidency Magistrate in a Presidency town, the Political Officer in a Native State, or the District Magistrate elsewhere; it had never hitherto been suggested that the certificate should in any event be signed by a European official, and such a limitation would, for the reasons explained in the Government of India's telegram, be altogether impracticable. It will be observed that Provincial Governments are being instructed that care should be taken that the certificate should in fact be signed by the principal local magistrate.

4. With regard to paragraph 4 of the Government of India's telegram, I am to invite a reference to Lord Gladstone's Secret despatch of 4th July, 1914,‡ copy of which was enclosed with Colonial Office Confidential letter dated 15th August, 1914.§ The statement referred to by the Government of India will be found under heading 2 of Mr. Gorges's letter to Mr. Gandhi, dated 30th June, 1914, copy of which was enclosed in Lord Gladstone's despatch. The suggested enquiry apparently had in view any existing plural wives (and their children) of Indians already in South Africa. Mr. Montagu would be glad to learn whether there is any later information available regarding this inquiry, and, if not, whether information on the subject could be obtained from the Union Government.

I have, &c.,

J. C. WALTON.

* Not printed. † 24256; not printed; transmitting copy of No. 107. ‡ No. 206 in African (South) No. 1012. § 26700: L.F. not printed.

Enclosure 1 in No. 108.

VICEROY TO SECRETARY OF STATE FOR INDIA.

(Received 10.0 a.m., 28th November, 1921.)

TELEGRAM.

DELHI, 26th November, 1921. No. 228-R.A. Your telegram dated 17th November, No. 5877. Procedure for regulating admission into South Africa of wives and minor children of Indians residing there.

Paragraph 2. Passports issued in India do not in themselves, of course, confer any right to enter any Colony and do not constitute evidence of existence of such right. We are, however, instructing local Governments that ordinarily passports should not be issued to Indians who would evidently be excluded from the country to which they wish to proceed under existing regulations. In doubtful cases, passports will not necessarily be refused, but intending emigrants will be clearly warned of risk they incur of being excluded.

Paragraph 3. The procedure regarding the issue of certificates of relationship to wives and children of Indians resident in South Africa is laid down in Commerce Department Resolution 8759, 8774, 24 of 3rd September, 1914. Government of India never undertook that such certificates should be signed by European magistrates only, and cannot now agree to such a procedure, as its adoption would imply an unjustifiable distrust of certain classes of its own officers. What they consented to was that certificates should be signed by principal local magistrate. They are instructing local Governments to take care that condition is strictly observed in future.

Paragraph 4. With reference to Minister's remarks on case of Mussamat Subajan, we invite reference to Gorges's letter to Gandhi, dated 30th June, 1914, forming part of Smuts-Gandhi Agreement, in which it was stated that no difficulty would be raised in allowing plural wives then existing to join their husbands in South Africa, if on inquiry it was found that the number is very small. We are not aware what the result of inquiry was, and should be glad to be informed whether we are to understand that under Section 5 (G) of the Immigrants Regulation Act, 1913, read with Section 3 (2) of the Indians Relief Act, 1914, such plural wives and their children are in future entirely excluded from the Union.

Secretary to the Government of India, Revenue and Agriculture Department.

Enclosure 2 in No. 108.

No. 8759—8774—24.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

EMIGRATION.

Resolution.

Simla, the 3rd September, 1914.

THE following procedure has been arranged by the Government of India in discussion with the Government of the Union of South Africa to facilitate the admission into the Union of the wives and minor children of Indians resident in that country.

2. The husband or father resident in South Africa who desires to obtain a certificate of relationship from a magistrate in India to facilitate the admission into the Union of South Africa of his wife or children under the age of sixteen years, will, in the first instance, make application in the prescribed form to the immigration authorities in South Africa or to the magistrate of the district in South Africa in which he is residing, and on obtaining from the proper officer in South Africa a certificate in respect of his application, will transmit the same to his wife or child, as the case may be, for production with his application for a certificate of relationship before the principal local magistrate in India, viz., the Chief Presidency Magistrate in a Presidency Town, the Political Officer in a Native State, or the District Magistrate elsewhere.

3. The principal local magistrate in India on receipt of such application and on production before him of the certificate issued in South Africa, will institute

an inquiry, either personally or through an officer not below the rank of a Deputy Tahsildar, a Sub-Deputy Collector or a Mamlatdar according to the province concerned, and if the senior magistrate is satisfied as to the alleged relationship, he will grant a certificate of relationship in the attached form in favour of the person (or persons) referred to in the application who will present it to the Immigration Officer at the port of entry in support of ^{her} _{his or their} claim to admission into the Union.

Ordered that the foregoing Resolution be forwarded to all Local Governments and Administrations for information and guidance and to the Foreign and Political Department for communication to the Agents to the Governor-General and Political Officers in Native States.

Ordered also that the Resolution be published in the *Supplement to the Gazette of India*.

R. E. ENTROVEN,
Secretary to the Government of India.

Form of Certificate.

A.

I do hereby certify that as the result of an inquiry made by me personally this day of 19 ..
I am satisfied that
daughter of of village
..... Police Station District
..... is the duly married wife of
son of of village
..... Police Station District
..... at present residing at

Descriptive particulars.

Name
Caste
Religion
Date, as nearly as can be ascertained, of
marriage
Place of marriage

Her thumb impressions have
been taken in my presence.
Right thumb.
Left thumb.

Signature of Magistrate.

Dated the 19 .. Place

Seal of the Magistrate.

Countersigned.

District Magistrate.

(Chief Presidency Magistrate in a Presidency
Town or Political Officer in a Native State.)

Dated the 19 .. Name of District

Seal of the District

Magistrate.

B.

I do hereby certify that as the result of an inquiry made by me personally this day of 19 ..
 I am satisfied that
 is the son (daughter) of
 of village Police Station
 District at present residing at
 and that I am satisfied that he/she is
 years of age.

Descriptive particulars.

Name
 Caste
 Religion
 Age

His (her) thumb impressions have
 been taken in my presence.
 Right thumb.
 Left thumb.

.....
 Signature of Magistrate.

Dated the 19 .. Place

Seal of the Magistrate.

Countersigned.

.....
 District Magistrate.

(Chief Presidency Magistrate in a Presidency
 Town or Political Officer in a Native State.)

Dated the 19 .. Name of District

Seal of the District
 Magistrate.

(c) Natal Provincial Ordinances No. 19 of 1920 (The Durban Corporation
 Extended Powers Ordinance, 1920) and No. 22 of 1920 (the Durban Tram-
 ways Consolidated Laws, 1905 and 1920.)

48951

No. 109.

INDIANS OVERSEAS ASSOCIATION to COLONIAL OFFICE.

(Received 5th October, 1920.)

[Answered by No. 110.]

47-48, Danes Inn House, 265, Strand, London, W.C.2.

4th October, 1920.

SIR,

I HAVE the honour, on behalf of my Association, to direct the attention of the
 Secretary of State to the issue of *Indian Opinion* of the 20th August, in which
 appears a leading article entitled "Durban Municipal Ordinances," commenting
 upon the action of the Natal Provincial Council in regard to the passing of certain
 two private ordinances promoted by the Corporation of Durban, the one (No. 14 of

1920) being an ordinance "to grant additional powers to the Town Council of the
 Borough of Durban," and the other (No. 16 of 1920) being "to amend and amplify
 the laws relating to the conveyance of persons and things by the Town Council of
 the Borough of Durban."

2. Apart altogether from the character of the action taken by the Provincial
 Council in respect of these ordinances and in the face both of the opposition of the
 Indian Community and (as regards the first ordinance) the withdrawal of certain
 portions of it by the promoters, my Association is of opinion that the Provincial
 Council has exceeded the powers vested in it by the South Africa Act, 1910, and that
 it has legislated on what are obviously matters involving racial discrimination which
 are specially reserved under the Act to the Governor-General in Council.

3. On the merits of these enactments, it is clear that an attempt has been made
 to impose yet further disabilities upon the Indian residents, large numbers of whom
 are tax-payers within the Borough of Durban, and it will follow, as a matter of
 course, that if this attempt succeeds, the Durban example will be followed through-
 out the Province, and will probably extend to other parts of the Union.

4. In the circumstances, my Association earnestly requests that the Secretary
 of State will make urgent representations to the Union Government in order to
 avoid yet further trouble in South Africa.

I have, &c.,

HY. S. L. POLAK.
 Honorary Secretary.

48951

No. 110.

COLONIAL OFFICE to INDIANS OVERSEAS ASSOCIATION.

[Answered by No. 112.]

SIR,

Downing Street, 14th October, 1920.

I AM directed by Viscount Milner to acknowledge the receipt of your letter
 of the 4th October,* and to request you to inform your Association that he has no
 information relative to the two Ordinances which you state have been passed by the
 Natal Provincial Council. It is presumed that representations regarding the points
 raised will have been made locally to the Union Government.

I am, &c.,

H. LAMBERT.

50941

No. 111.

INDIA OFFICE to COLONIAL OFFICE.

(Received 15th October, 1920.)

[Answered by Nos. 114 and 116.]

SIR,

India Office, Whitehall, London, S.W.1, 14th October, 1920.

I AM directed by the Secretary of State for India to transmit for the informa-
 tion of the Secretary of State for the Colonies copy of a letter which has been received
 from the Indians Overseas Association, dated 4th October, 1920, which enclosed
 copy of a letter addressed to the Colonial Office on the same date, on the subject of
 two Ordinances promoted by the Corporation of Durban and introduced in the Natal
 Provincial Council.

Mr. Secretary Montagu would be glad, should Viscount Milner see no objection,
 if information could be obtained as to the scope and purpose of the ordinances in
 question.

I am, &c.,

J. E. FERARD,
 Secretary, Judicial and Public Department.

* No. 109.

Enclosure in No. 111.

Indians Overseas Association, 47-48, Danes Inn House,
265, Strand, London, W.C.2, 4th October, 1920.

SIR

I HAVE the honour to enclose herewith for the information of the Secretary of State for India in Council, a copy of a letter addressed by my Association to-day to the Colonial Office, together with a copy of the leading article in *Indian Opinion*, of 20th August, 1920, therein referred to.

I venture to hope that the Secretary of State for India in Council will add his influence to the force of my Association's representations.

I have, &c.,

HY. S. L. POLAK,
Hon. Secretary

The Under Secretary of State,
Public Department, India Office, S.W.1.

51062

No. 112.

INDIANS OVERSEAS ASSOCIATION to COLONIAL OFFICE.

(Received 16th October, 1920.)

[Answered by No. 113.]

47-48, Danes Inn House, 265, Strand, London, W.C.2,
15th October, 1920.

SIR,

I BEG to acknowledge the receipt of your letter of the 14th instant* with regard to the two Natal Ordinances referred to in my letter of the 4th instant.†

2. In reply, my Association is informed that the representations made locally to the Union Government have not resulted in the disallowance of the Ordinances, and it is for that reason in particular that my Association is bringing the matter to the notice of your Department, with a view to the taking of such action as the circumstances may require. I shall, therefore, be obliged if you will kindly inform my Association of the steps that His Majesty's Government propose to take with a view to safeguarding the interests and the welfare of His Majesty's Indian subjects in Natal, in so far as they are adversely affected by the Ordinances in question.

Thanking you in anticipation,

I have, &c.,

HY. S. L. POLAK,
Hon. Secretary.

51062

No. 113.

COLONIAL OFFICE to INDIANS OVERSEAS ASSOCIATION.

SIR,

Downing Street, 21st October, 1920.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of the 15th October,‡ relative to the two Ordinances passed by the Natal Provincial Council, and to request you to inform your Association that he has no information yet upon the matter, but that a further communication will be addressed to you in due course.

I am, &c.,

HENRY LAMBERT.

50941

No. 114.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 21st October, 1920.

WITH reference to your letter of the 14th October,§ transmitting a copy of a letter received from the Indians Overseas Association on the subject of two Ordinances promoted by the Corporation of Durban and introduced in the Natal Provincial

* No. 110.

† No. 109.

‡ No. 112.

§ No. 111.

Council, I am directed by Viscount Milner to request you to inform Mr. Secretary Montagu that copies of the Ordinances in question have not yet been received, but that they will be transmitted to your Department as soon as they are available.

2. Copies of correspondence* with the Association are enclosed herewith.

I am, &c.,

HENRY LAMBERT.

4078

No. 115.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th January, 1921.)

(Confidential.)

MY LORD,

Governor-General's Office, Pretoria, 5th January, 1921.

I HAVE the honour to inform Your Lordship that two Ordinances passed in its last Session by the Provincial Council of Natal, namely, the Durban Corporation Extended Powers Ordinance (No. 19 of 1920) and an Ordinance "to amend and amplify the laws relating to the Conveyance of Persons and Things by the Town Council of the Borough of Durban" (No. 22 of 1920) have met with considerable opposition from certain sections of the Indian population of Natal. Copies of the Ordinances are enclosed,† together with a Press extract on the subject from *Indian Opinion*.

2. The substance of the objections raised to the Durban Corporation Extended Powers Ordinance is that section 20, sub-section (1) places in the hands of the Licensing Officer an absolute discretionary power to refuse or grant a licence in regard to the trades enumerated in the schedule to Ordinance No. 11 of 1911 (as subsequently amended), and the Indian trading community fear, possibly not without some reason, that these powers may be used to differentiate against the Indian trader in favour of his European competitor.

3. As regards Ordinance No. 22 of 1920, the obnoxious provision from the Indian standpoint is contained in sub-section (m) of section 3, which empowers the Town Council "to set aside separate vehicles . . . for the sole and exclusive use of persons of European descent, Natives or Asiatics." The Durban Indians objected to this provision as "class legislation" discriminating against the British Indian ratepayer, though in themselves the words in question no more imply differentiation against Asiatics than against Europeans or natives; and, as you are no doubt aware, the principle of separation of races in travelling is enforced on the Union Government railways and on the Municipal tramways in the Transvaal.

The Indians also maintained that the Provincial Council had exceeded the powers vested in the Council by the South Africa Act, and that the Ordinances in question were *ultra vires* section 147 of the Act, which provides that "The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General in Council."

4. A deputation of Indians appeared before the Select Committee of the Provincial Council and stated their objections to the legislation, but met with little success. Telegrams were then addressed to the Governor-General by various Indian associations in Durban requesting the Governor-General to withhold his assent to the Ordinances pending the receipt of petitions which were being forwarded.

5. On receipt of these petitions Sir James Rose Innes, who was then the Officer Administering the Government, decided to withhold his assent to the Ordinances until he had consulted Ministers with regard to the constitutional point raised and also as to the advisability of granting an interview to a deputation representing the petitioners. A copy of Ministers' reply is enclosed.

6. It will be observed that, in the opinion of the Government Law Advisers, the Ordinances are not *ultra vires* section 147 of the South Africa Act, and that Ministers did not consider that it would be advisable for the Acting Governor-General to receive a deputation of Indians. Ministers suggested that any such

* Nos. 109, 110, 112 and 113.

† Extracts only printed here.

deputation should wait upon the Minister of the Interior, and the petitioners were informed that the Minister was prepared to receive them. They took no steps, however, to avail themselves of this offer, and no further communication has been received from them up to the present.

In these circumstances, my Ministers were not prepared to suspend action on the Ordinances any longer, and, in view of their recommendation and the opinion of the Law Advisers on the constitutional point which had been raised, I did not consider that I should be justified in asking for further delay. I have accordingly signified my assent to both Ordinances.

I have, &c.,
ARTHUR FREDERICK,
Governor-General

Enclosure 1 in No. 115.

(Extract.)

ORDINANCE (No. 19 of 1920).

"The Durban Corporation Extended Powers Ordinance, 1920."

Licensing
Repeal and
Amendment.

20. Section 27 of Ordinance 11 of 1911 is hereby repealed in so far as it relates to the Borough of Durban, and the following is substituted therefor:—

(1) The Town Council may refuse to grant a licence to any applicant if not satisfied:—

(a) That the locality in which the premises for which the licence is sought are situate is one in which it is desirable that the trade or business contemplated should be carried on by the applicant or at all; and

(b) That such premises are in every respect suitable for the purpose of such trade or business, whether as to structure, size, character, sanitation, ventilation, safety from fire, adequacy of fire appliances, or emergency exits.

(2) A person to whom a licence is granted shall exhibit his name over the premises licensed.

(3) Wholesale and retail dealers' licences within the meaning of Act 18 of 1897 or of any Act amending the same shall be subject to the provisions of such Act, but shall not thereby be excluded from the provisions of this section.

(4) The Town Council may grant any licence it has power to grant subject to such conditions and restrictions as may be concurred in by any applicant; such conditions or restrictions shall be endorsed on the licence, and a wilful failure to comply with any or all thereof shall *ipso facto* render the licence null and void.

(5) The words "Hawkers of South African Fruit and Vegetables" in the schedule to Ordinance 11 of 1911 are hereby amended to read "Hawkers of South African Fruit, Vegetables, Flowers, Garden Produce, and Eggs or any one or more of such things."

(6) Section 23 of Ordinance 11 of 1911 is amended, in so far as it relates to the Borough of Durban, by adding thereto the following:—

Where a licence is applied for between the 30th June and 30th September in any year for the remainder of that year, the amount payable shall be reduced by two-fifths, and where it is applied for between 30th September and 31st December in any year for the remainder of that year, the amount payable shall be reduced by seven-tenths, provided that in no case shall the amount payable be reduced below 5s.

(7) Every applicant for a licence shall, before or at the hearing of his application, give to the Town Council, in such manner as it may require, all such information as it may require concerning the nature of the business for which a licence is sought and concerning the premises in which it is intended to be carried on.

(8) For the purposes of this section the words "Town Council" shall include the Licensing Officer of the Borough of Durban.

ORDINANCE (No. 22 of 1920).

(Extract.)

"The Durban Tramways' Consolidated Laws, 1905 and 1920."

(3) The Town Council is hereby empowered:—

(m) To set aside separate vehicles, tram shelters, or other premises intended for the convenience or use of persons travelling or intending to travel in their vehicles, or to set aside any portion of such vehicles, tram-shelters, or premises, for the sole and exclusive use of persons of European descent, Natives or Asiatics, or of any one or more of such classes of persons, and to prohibit the entry upon or use of any vehicle, tram-shelter, or other premises, or any portion thereof, set aside for the convenience or use of any one or more of such classes or persons, by persons of any other of the said classes.

Separate
vehicles for
specified
persons.

Enclosure 2 in No. 115.

Extract from "Indian Opinion" (24th December, 1920.)

ORDINANCES BECOME LAW.

WITH the assent of the Governor-General in Council on the 13th instant, the Ordinances Nos. 19 and 22 of 1920 respectively "to grant additional powers to the Town Council of the Borough of Durban" and "to amend and amplify the Laws relating to the conveyance of persons and things by the Town Council of the Borough of Durban" and by their promulgation by the Administrator on the following day, have now the force of law. The protest of the community before the Select Committee of the Provincial Council and later before the Provincial Executive was carried further with a petition to the Governor-General in Council accompanied with a prayer to receive a deputation of our community, to which the Acting Secretary to the Governor-General replied on the 2nd instant* as follows: "Ministers suggest that any such deputation should wait upon the Honourable the Minister of the Interior, who will be prepared to meet them. His Excellency thinks that your Committee will be well advised to accept this suggestion since the matter is one within the constitutional responsibility of Ministers," and on the 7th, Mr. Ismail Bayat, who was acting in the matter, in his communication to the Minister of the Interior, in referring to the direction of His Excellency, suggested that "in making the appointment my association will be obliged if you would give at least seven days' notice." We are informed that subsequently a notification was received that the Secretary for the Interior would receive a deputation as the Minister was away ill, and to this a reply was forwarded that it was the desire of the petitioners, in deputation, to interview the Minister.

We are surprised that a responsible body of men allowed the protest of the community to peter away in this matter. We have time and again urged that the community should be called together to consider the developments arising out of the Ordinances. If there was ever a case in which the community will suffer—looked at from any point of view—it is in this instance in which it has supinely permitted the work of protecting its interests to fall into the hands of sectional bodies. It will reap in sorrow what it has sown in negligent trust, and we already see unmistakable signs of the community's rude awakening, but at the same time we would utter a solemn warning to those who have a disposition to play Nero, to forget their fiddles while India burns at home and abroad. It were well that they remember their mothers, their wives and their children in this the day of the community's trial. The Indian Overseas Association in London has taken up the matter, but our salvation lies in us, and we must needs act now if not to become the untouchables in this country. Our hopes in a Royal Governor-General are shattered in his very first act whereby he sanctions one race, mighty and powerful to-day, the governors in a strange land, to do what it chooses to and take what it

* 7 October.

likes from another race that is only a subject race, by the force of the law it makes. But if we are true to our spiritual teachings, right and justice will prevail in the end.

Enclosure 3 in No. 115.

MINUTE 1051.

Prime Minister's Office, 1st October, 1920.

With reference to His Excellency the Acting Governor-General's minutes numbered 8/618, 8/619, and 8/620, of the 10th September, and No. 8/617, of the 13th September, 1920, covering various petitions respecting certain Ordinances recently passed by the Natal Provincial Council, Ministers have the honour to inform His Excellency the Acting Governor-General that in the opinion of the Government Law Advisers the Ordinances referred to are not *ultra vires* section 147 of the South Africa Act, 1909, although there is considerable difficulty in giving a satisfactory meaning to that section.

Ministers would add that in their opinion it would be inadvisable for His Excellency to grant an interview to a deputation representing the petitioners. They suggest that any such deputation should wait upon the Honourable the Minister of the Interior, who will be prepared to meet them.

J. C. SMUTS.

4078

No. 116.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 117.]

SIR,

Downing Street, 2nd February, 1921.

With reference to your letter of the 14th October, 1920,* on the subject of two Ordinances promoted by the Corporation of Durban and introduced into the Provincial Council of Natal, I am directed by Viscount Milner to transmit to you, to be laid before Mr. Secretary Montagu, a copy of a despatch† from the Governor-General of the Union of South Africa enclosing copies of the Ordinances in question, which have now received His Royal Highness's assent, and have been promulgated as Natal Provincial Ordinances Nos. 19 and 22 of 1920.

I am, &c.,

HENRY LAMBERT.

11329

No. 117.

INDIA OFFICE to COLONIAL OFFICE.

(Received 8th March, 1921.)

SIR,

India Office, Whitehall, London, S.W., 8th March, 1921.

I AM directed by the Secretary of State for India to refer to Sir Henry Lambert's letter of 2nd February, 1921,‡ transmitting copy of a Confidential despatch from the Governor-General of South Africa, dated 5th January, 1921, on the subject of Natal Provincial Ordinances Nos. 19 and 22 of 1920.

As regards Ordinance No. 19, it is observed that the Governor-General intimates that the Indian trading community possibly have some reason to fear that the powers conferred by section 20 (1) on the Licensing Officer may be used to differentiate between the Indian trader in favour of his European competitors.

Comprehensive suggestions were made by Sir Benjamin Robertson in the statement that he presented to the Asiatics Inquiry Commission in favour of the reform of the Licensing Law throughout the Union.

* No. 111.

† No. 115.

‡ No. 116.

Mr. Secretary Montagu does not wish at this stage to intervene with any suggestions in regard to the details of particular Provincial Ordinances, but he assumes that the whole question of the Licensing Law will be dealt with when any action comes to be taken on the recommendations of the Commission.

I am, &c.,

J. E. FERARD,
Secretary,

Judicial and Public Department.

(d) Draft Natal Township Franchise and Rural Dealers Licensing Ordinances, 1921.

26217

No. 118.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL

(Sent 2.55 p.m., 4th June, 1921.)

TELEGRAM.

[Answered by Nos. 119 and 121.]

4TH JUNE. Your despatch of 12th May, No. 274,* Natal draft Township Franchise Ordinance. Secretary of State for India enquires what change in present position of Indians as regards municipal franchise in townships would, in opinion of Natal Administration, be effected in event of Ordinance being passed, and what is attitude of Union Government and Natal Administration on question. Secretary of State for India has also seen statement that Natal Municipal Association are considering promotion in Provincial Council of draft ordinance effect of which would be to disqualify for enrolment as burgesses persons disqualified for parliamentary franchise by Natal Act VIII, of 1896, and enquires whether statement is correct, and, if so, what is the attitude of Union Government and Natal Administration towards draft ordinance.—SECRETARY OF STATE FOR THE COLONIES.

34329

No. 119.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.45 p.m., 9th July, 1921.)

TELEGRAM.

8TH JULY. Your telegram 4th June.† Have not yet received reply from Ministers. Townships Franchise Ordinance has passed Natal Council with amendment preserving electoral right of Indians enrolled prior to 1st January, 1921. Despatch‡ to-day's mail.—ARTHUR FREDERICK.

35385

No. 120.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8 p.m., 15th July, 1921.)

TELEGRAM.

[Answered by No. 123.]

(Paraphrase.)

14TH JULY. As law adviser is of opinion that Natal Township Franchise Ordinance, 1921, is *ultra vires*, I have, on Minister's advice, withheld assent. Pending official announcement, please regard this as confidential.—ARTHUR FREDERICK.

*26970: not printed. Forwarded copy of draft Ordinance. † No. 118. ‡ No. 121.

37496

No. 121.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th July, 1921.)

(Confidential.)

SIR, Government House, Cape Town, 7th July, 1921.

I HAVE the honour to report that an ordinance entitled the Townships Franchise (Draft) Ordinance was introduced in the Natal Provincial Council this Session. Mr. Hulett, when moving the second reading of the Bill on 27th May, explained that the Ordinance proposed to amend the Local Townships Law of 1881 so as to prevent males who were natives, or descendants of natives, of countries which had not prior to the passing of the South Africa Act of 1909 possessed elective representative institutions, from being placed on the Township roll without an order from the Executive Committee exempting him from the operations of this Ordinance.

2. Continuing, Mr. Hulett said that, until recently, few Indians had availed themselves of their right to the Township Franchise under Law 11 of 1881. The legislation before the Council had, however, been rendered necessary by the attitude taken up by a section of the Asiatic community, especially those residing in the smaller coastal townships, who were beginning to assert their electoral rights, and who "had now stated their intention of exercising the Township Franchise, sitting on the Board with Europeans, and ultimately taking over the reins of local government." The speaker instanced Stanger as a particularly notorious example, and contended that the only townships not in need of the Ordinance were South Barrow and Port Shepstone, where there was practically no Asiatic population.

3. Mr. Cox, in seconding the motion, observed that the Ordinance was necessary as a matter of self-preservation. He reminded the Council that an Indian Delegate to the Imperial Conference had refused to take part in the proceedings unless Indians were accorded equal rights in all British Dominions. This, he concluded, was an "impossible attitude," and it was the duty of the Council to safeguard the rights of the small European communities in Natal.

4. The Administrator opposed the measure indicating the injustice that would be done to Asiatics already on the roll. He drew attention to the fact that all previous restrictive Acts had preserved the existing rights of Asiatics. The only district where the question was urgent was Stanger, and even there, although the Asiatics were in a majority and could have elected an Indian Board, they had declared their intention of leaving the control of local affairs in the hands of Europeans and no Indian was elected. He urged the Council not to have recourse to retrospective legislation.

5. The second reading was, nevertheless, carried, but subsequently Mr. Hulett moved that the order for commitment be discharged and that the Ordinance be referred to a Select Committee. The motion was agreed to and a Select Committee, under the chairmanship of Mr. Hulett, proceeded to take evidence from certain Indians representing the Asiatic petitioners in opposition to the Ordinance. On 28th June they submitted a majority report recommending the insertion of a proviso to Clause 1 to the effect that any person who was on the Town Roll on the first day of January, 1921, and who still possesses the qualification referred to in Section 7 of Law 11, of 1881, shall continue to be entitled to be enrolled as a voter.

6. Captain Byron presented a minority report contending that no evidence had been adduced to prove that the measure was urgent, or even necessary, and that its immediate advantages were insignificant in relation to the importance of the principles involved. In view of the fact that the Ordinance seriously infringed the rights of a large section of the community, whose status within the Union was to be the subject of early legislation by the Government, he recommended that it be not proceeded with this Session, but be referred to the Minister for the Interior for consideration by the Union Government with the Asiatic problem as a whole.

7. Mr. Hulett, in presenting the report, moved that the Draft Ordinance as amended by the Select Committee be substituted for the Draft Ordinance which had already been read a second time. The motion was agreed to, and in Committee the Administrator repeated his previous arguments against the measure, adding that it would embarrass the Union Government. He read a telegram from the

Minister for the Interior asking if the Council intended to proceed with the Ordinance as the Imperial Government had been enquiring into certain aspects of the Bill.

8. A vigorous debate followed. The Administrator repudiated an accusation that he was "acting on instructions," and was supported by Captain Byron, who urged upon members the necessity of considering the matter from a "world point of view." Supporters of the measure declared that the question involved was not one of justice but of self-preservation. Mr. Hulett quoted from a Gandhi pamphlet entitled "National Independence" to illustrate the aggressive attitude of the Indians. After further discussion the Ordinance passed through Committee without amendment and was read a third time.

I have, &c.,

ARTHUR FREDERICK,

Governor-General

39975

No. 122.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 p.m., 9th August, 1921.)

TELEGRAM.

(Paraphrase.)

6TH AUGUST. Executive Council minute has been signed by me to-day, withholding assent to Natal Rural Dealers Licensing Ordinance, 1921. When it was before Natal Council this Ordinance aroused considerable Indian resentment.—ARTHUR FREDERICK.

39569

No. 123.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.15 p.m., 15th August, 1921.)

TELEGRAM.

[Answered by No. 124.]

(Paraphrase.)

CONFIDENTIAL. Your telegram of 14th July.* Has official announcement been made yet regarding Natal Township Franchise Ordinance?—SECRETARY OF STATE FOR THE COLONIES.

41300

No. 124.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.40 p.m., 16th August, 1921.)

TELEGRAM.

(Paraphrase.)

WITH reference to my telegram 6th August, and your telegram 15th August,† in regard to Natal Township Franchise Ordinance, official announcement has been made. I will advise you further when announcement has been made regarding Rural Dealers Licensing Ordinance, which will probably be in a few days' time.—INNES.

* No. 120.

† Nos. 122 and 123.

42458

No. 125.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.15 a.m., 23rd August, 1921.)

TELEGRAM.

(Paraphrase.)

22ND AUGUST. Announcement regarding Natal Rural Dealers Licensing Ordinance has now been made. See my telegram of 16th August.*—INNES.

48028

No. 126.

INDIA OFFICE to COLONIAL OFFICE.

(Received 27th September, 1921.)

[Answered by No. 127.]

SIR, India Office, Whitehall, London, S.W.1, 23rd September, 1921.

I AM directed by the Secretary of State for India to acknowledge receipt of your letter of 15th September, 1921,† and of the enclosed copy of the Natal Rural Dealers Licensing Ordinance which is returned herewith as requested.

I am to invite a reference to the letter‡ from this Office of the same date, inquiring whether any further information regarding the Ordinance might now be communicated to this Department, and enclosing extract from a telegram from the Viceroy, of 9th September, 1921, on the subject.

In view of that telegram, Mr. Secretary Montagu would be glad to receive, as early as possible, for transmission to the Government of India, any further information that may be available as to the objects of the introduction of the Ordinance, the nature of the objections which are understood to have been expressed by the Indian community in Natal, and the considerations which influenced the Governor-General in Council to withhold his assent. If information on these points is not available, Mr. Montagu would suggest for Mr. Churchill's consideration that, with a view to amplifying the information which may be gathered from the Ordinance itself, a telegram should be despatched to the Governor-General requesting His Royal Highness to report by telegraph.

It is observed that, if the Ordinance had become law, clause 4 (2) would have repealed section 6 of Natal Act No. 18 of 1897, and sections 6 and 7 of Natal Ordinance No. 6 of 1916, which relate to appeals from the refusal of licences.

I am, &c.,

L. J. KERSHAW,

Secretary,

Industries and Overseas Department.

48028

No. 127.

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 3rd October, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 23rd September,§ regarding the Natal Rural Dealers Licensing Ordinance, and to request you to inform Mr. Secretary Montagu that the Governor-General of the Union of South Africa is being asked by telegraph to supply the information desired.

I am, &c.,

HENRY LAMBERT.

* No. 124. † 42452: L.F. not printed. ‡ 46243: not printed, as its contents are summarized in No. 126. § No. 126.

59133

No. 128.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th November, 1921.)

(No. 723.)

SIR,

Governor-General's Office, Pretoria, 7th November, 1921.

In confirmation of my telegram of the 7th November,* I have the honour to transmit the accompanying copy of a minute by the Secretary for the Interior regarding the proposed Rural Dealers Licensing Ordinance (Natal) which has been forwarded to me in response to my inquiry as to what reply Ministers desired should be returned to your telegram of the 30th September.†

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 128.

(No. 11/84/25.)

Department of the Interior, Pretoria, 31st October, 1921.

THE SECRETARY TO THE PRIME MINISTER, PRETORIA.

With reference to your minute of the 7th instant, relative to the Natal Rural Dealers' Licensing Ordinance, I have to inform you that the Provincial Secretary, Pietermaritzburg, advises me that the object of this amending legislation was to abolish the existing practice of a single officer dealing with these licences and to vest such authority in District Licensing Boards. During each of the sessions of the Natal Provincial Council from 1917 onwards, the question of amending the Retail Licensing Laws of the Province was urged, and in July, 1920, a formal resolution was tabled that legislation should be introduced, if possible, during that session. The Ordinance, as originally introduced in the session of 1920, included Municipalities and Local Townships, and provided for the constitution of a Licensing Board for the whole Province of Natal or separate boards for different areas with the right of appeal to a special board to be appointed by the Administrator. Important amendments were, however, introduced when the Ordinance was in Select Committee, and the Ordinance as finally submitted is the Rural Dealers' Licensing Ordinance, 1921, to which His Royal Highness the Governor-General in Council withheld his assent on the 6th August, 1921.

With regard to the attitude of Indians, the Provincial Secretary states that it is well known that for many years past the Indian community has consistently raised objections to Natal Act No. 18 of 1897, which, in the case of rural areas, empowers the Licensing Officer to grant or refuse licences in his discretion, subject only to a right of appeal to the Board constituted under Act No. 38 of 1896 (Natal). The right of appeal to the Supreme Court in the case of the renewal of licences was conceded by Act No. 22 of 1909 (Natal), and this right was reserved in the draft amending Ordinance in question. Representatives of the Natal Indian Congress attended before the Select Committee to give evidence, which took the form of a written statement, and the views of the Congress are summarized in the following four points given at the end of the statement, viz.:—

- (1) That the Chairman of the licensing board should be a Magistrate or an Advocate.
- (2) That the consideration of any application should be guided by a code of regulations and should not be left to the discretion of the officer administering the law.
- (3) That there should be a right of appeal in all licensing cases to the local division of the Supreme Court.
- (4) That in the case of refusal of any application, reasons for such refusal should be filed of record within a specified time.

Assent was withheld generally in view of the terms of Mr. Lansdown's report, and there is no objection to a copy of that report being communicated to the Government of India.

H. B. SHAWE,
Secretary for the Interior.

* 55700: not printed, as it is summarized in the enclosure to No. 128. † 48028: not printed (see No. 127).

(e) Correspondence relating to certain Judgments affecting the position of Indians.

199

No. 129.

INDIA OFFICE to COLONIAL OFFICE.

(Received 2nd January, 1920.)

Sir, India Office, Whitehall, London, S.W., 1st January, 1920.
With reference to recent correspondence on the subject of Indians in South Africa, I am directed by the Secretary of State for India to transmit copy of a telegram from the Government of India regarding certain representations which have been received from the Transvaal British Indian Association. I am to inquire whether copies of the two judgments referred to may be furnished to this Department for information.

As regards the decision stated to have been given in the Naidoo case, Mr. Secretary Montagu is alive to the serious results which it may be expected to have on Indian interests if it has been correctly reported. In his opinion it will be necessary to find some means of protecting the rights to property ownership which were acquired before the 1st May, 1919, by Indians as companies acting in good faith, and, as is understood, on the strength of previous rulings given by the Courts to the effect that such ownership was not prohibited by the provisions of Law III. of 1885. He associates himself with the hope expressed by the Government of India that no further action will be taken adverse to Indian interests at any rate pending the report of the Commission which is to consider the questions of trading licences and of the ownership of property by Asiatics.

I have, &c.,
J. E. FERARD.

Enclosure in No. 129.

TELEGRAM FROM VICEROY, COMMERCE AND INDUSTRY.

(Received 2.0 p.m., 29th December, 1919.)

23RD DECEMBER. 955D. Following telegram received from Transvaal British Indian Association:—

Begins.—Action *Krugersdorp Municipality versus Naidoo, Limited*, an Asiatic Company. Provincial Court has set aside transfers. Court holds formation Indian private liability companies purpose acquire fixed property contravention of law prohibiting acquisition of land by coloured people, therefore illegal. Further declared all transfers so obtained are (?) fraudulent. Further judgment under sections 90 and 91, Ordinance 9, 1912, magistrate upholds contention of municipality. Asiatic presence causes annoyance and detriment to European commerce on the ground of Indians undesirability. Both judgments ruination whole community. Europeans tendering evidence before Home Government Commission specializing Indian question urging complete autonomy. Fear powers demanded employment particularly against Indians. Association implores Excellency make immediate representation proper quarters. New Act 37, 1919, affords no protection even old companies and traders. Position most precarious. Strenuous action imperative save community.—*Ends.*

If it is correct that rights acquired by Indian controlled companies in Transvaal even before 1st May, 1919, have now been held illegal, we trust that you will represent that no further action adverse to Indian interests should be taken at any rate until Commission has reported.

199

No. 130.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6th January, 1920.)

TELEGRAM.

[Answered by No. 131.]

(Paraphrase.)

GOVERNMENT of India has received telegram* from Transvaal British Indian Association protesting against (1) judgment of magistrate under Transvaal Ordinance 9 of 1912, sections 90 and 91, upholding contention of municipality as to undesirability of Indians, and (2) judgment of Provincial Court in case of *Krugersdorp Municipality versus Naidoo*, declaring acquisition of land by Indian companies illegal. If it is correct that rights acquired by Indian controlled companies in the Transvaal even before 1st May last have now been held to be illegal, Indian Government hope that no further action adverse to Indian interests will be taken at any rate until report of Commission to inquire into holding of property and trading licences by Asiatics has been received. Secretary of State for India associates himself with this hope, and represents necessity of finding some means of protecting rights to property ownership acquired before 1st May, 1919, by Indians as companies acting in good faith, and, as he understands, on strength of rulings previously given by Courts to the effect that provision of Law 3 of 1885 did not prohibit such ownership. Secretary of State for India would be glad if copies of two judgments mentioned could be furnished.—For the SECRETARY OF STATE.

24549

No. 131.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1920.)

(No. 220.)

My Lord, Governor-General's Office, Cape Town, 30th April, 1920.

With reference to Your Lordship's telegram of the 6th January,† regarding the protest by the Transvaal British Indian Association against certain judgments of a Court, I have the honour to transmit herewith four copies each of the judgments (1) in the Supreme Court (Transvaal Provincial Division) in the matter between the Municipality of Krugersdorp and Dadoo, Limited, and others, and (2) in the Magistrate's Court, Potchefstroom, in the case of Suliman Tayob and Company versus the Municipal Council of Potchefstroom.

2. As regards the hope expressed by the Government of India that no further action will be taken adverse to Indian interests, my Ministers remark that the Union Government is not a party to these proceedings, which are between private parties, that any action on the judgments would be taken by private parties, and that in the circumstances the Union Government is unable to interfere in the matter.

I have, &c.,
BUXTON,
Governor-General.

* Enclosure in No. 129. † No. 130.

Enclosure 1 in No. 131.

IN THE SUPREME COURT OF SOUTH AFRICA, TRANSVAAL PROVINCIAL DIVISION.

In the matter between
THE MUNICIPALITY OF KRUGERSDORP (Applicant)
and

DADOO, LIMITED, AND OTHERS (Respondents).

Judgment ... WESSELS, J.

THE following are the facts material to the present inquiry:—

1. Dadoo Ltd. is the registered owner of Stand 171 Krugersdorp.
2. It was transferred to Dadoo, Ltd., by Pieter Johannes Fouchée and Christoffel Rudolph Howell.
3. Dadoo Ltd. consisted at the time of the purchase and transfer of Stand 171 of Mahomed Mamoojee Dadoo, who is both a British Indian and a coloured person, and another Indian named Dindar.

4. The stand is occupied by Mahomed Mamoojee Dadoo and his family when they happen to be in South Africa. When they are away it is occupied by the manager of the business of Dadoo Ltd. viz. Jessup Ebrahim Gardee and another Indian.

The Krugersdorp Municipality contends that though Stand No. 171 is registered in the name of Dadoo Ltd. it is virtually owned by Mahomed Dadoo and was transferred into the name of Dadoo Ltd. in order to evade the provision of the Law prohibiting Asiatics from being owners of fixed property.

The first question to decide is whether the Krugersdorp Municipality has any locus standi in judicio to ask this Court to set aside the transfer of Stand 171 from Fouchée and Howell to Dadoo Ltd.

It appears that the stands in the Township of Krugersdorp were originally granted under the Transvaal Gold Law, as leasehold lots subject to the payment of monthly licences. The Municipality of Krugersdorp is at present the owner of the Krugersdorp Town Lands, and of many stands in the township.

Mr. Tindall contends on behalf of the Municipality that although Act No. 37 of 1919 exempts certain British Indians who on 1st May 1919 were carrying on business on any stand from the operation of section 130 of the Transvaal Gold Law (35 of 1908) they are not entitled by virtue of Act 37 of 1919 or of any other Law to be the registered owners of any stand; also that Fouchée and Howell held the stand subject to a prohibition to transfer on their title. This being the case the Krugersdorp Municipality is entitled to ask this Court to set aside the transfer to an Indian of any stand in the Municipality, (a) because the Municipality is the owner of the Town Lands, the Burgershoop Brickfields, the Monument Brickfields and many stands in the Township of Krugersdorp; (b) also because it is the representative and guardian of the interests of the inhabitants of the township, and lastly because it is charged with the duty of watching over the health conditions of the town.

For these reasons he argues that the Krugersdorp Municipality is entitled to prevent the commission of any act which is expressly prohibited by law, where such an act affects the inhabitants of Krugersdorp and the owners of property. The transfer of a stand to an Indian is prohibited by law and prohibited by the transferor's title and therefore the Krugersdorp Municipality has an interest in setting aside the transfer of any stand to any Indian. Hence the Municipality is entitled to ask the Court to say that the transfer of stand No. 171 to Dadoo Ltd. is in fraudem legis for it is virtually a transfer to an Indian since Dadoo Ltd. is a company consisting of and controlled by Indians.

I shall first consider the question whether the Municipality has a locus standi because it is the owner of land and stands in the Municipality.

The condition under which Fouchée and Howell held stand 171 was that they were not entitled to transfer or sublet the stand or any portion of it to any coloured person nor to permit any coloured person other than the lotholders' bona fide servants to reside on or occupy it.

This was a condition intended to be for the reciprocal benefit of all owners of stands. It makes no difference whether the restriction is derived from the Gold Law or whether its origin lay elsewhere. Now it is a principle of our law, differing in that respect from the Roman and English law, that A can contract with B and exact a promise from him that he will or will not do something for the benefit of C. If C accepts the benefit C can sue B on his promise to A. Grot. Introd. 3.3.38;

Groenewegen ad Inst. 3.19(20).5 Vinnius ad Inst. 3.19(20).4u.3. Voet 24.14.12: Tradesmen's Benefit Society vs. du Preez. 5.S.G.279.

If therefore persons buy or lease from a common transferor or landlord lots in a township and each agrees that he will not transfer or let his lot to a coloured person he is bound by this condition to all the other owners of the lots. Every lotholder is entitled to sue any other lotholder if the latter seeks to avoid the restriction on his covenant provided he accepts the benefit. In Alexander v. Johns 1912 A.D. 431 the Court of Appeal decided that a leaseholder in the township of Boksburg North could sue any other leaseholder who transferred his lease without inserting the restriction against letting to coloured persons which was found upon his title.

Innes A. C. J. said in that case:—

"Each original lessee therefore agreed with the ground owner in terms of the lease which he signed to subject his holding to the burden of this restriction for the benefit of each and every present or future holder of the other lots, and agreed to accept the benefit of the same restrictions imposed, or to be imposed on all the other holdings for his own advantage. Each contract with the common landlord was made for the benefit of third parties and each involved an acceptance of similar benefits from time to time from those parties. One would think therefore that on general principles such an arrangement should be binding upon and enforceable by the original leaseholders inter se. And the restrictive condition being one directly affecting the user of the lots it was properly registered against the leasehold titles and ought therefore to be binding upon all successors of the original lessees."

This view was followed in the case of Madrasa Anjuman Islamia v. Johannesburg Municipality 1917 A.D. 718. In that case Solomon J. A. in delivering the judgment of the Court said:—

"The Council was directly interested in obtaining an interdict to prevent the commission of an act which is expressly prohibited by the Statute in the interest of owners of property" and again, "Now, in the present case I do not think that there can be any question that the prohibition in the Act against the occupation of stands by Asiatics and coloured persons was enacted partly for the protection of owners of land in the township. If therefore the Council is such an owner it would be entitled to claim an interdict without any proof of actual damage."

If the Municipality of Krugersdorp could in this case claim an interdict, as according to the above authorities it could, I can see no reason why it cannot cite the transferor and transferee before the Court and claim as a third party interested in the restriction, that the transfer should be set aside. With the consequences involved in the setting aside of such transfer the Municipality of Krugersdorp is not concerned. The Krugersdorp Municipality as an owner of stands is therefore an interested party and has a locus standi. There is no question that Mahomed Dadoo himself falls under the category of coloured persons. Moreover by the Statute Law of the Transvaal Mahomed Dadoo is incapable of being the owner of fixed property and therefore of a stand in Krugersdorp, and if I read the judgment of the Appeal Court rightly in the case of Madrasa Anjuman Islamia, the Municipality as the representative and guardian of the inhabitants of Krugersdorp would have a locus standi to set aside the transfer, for if it is illegal for an Indian to own land it is illegal for him to own land in a Municipality and it is in the interest of all the owners of land in the Municipality, itself included, to invoke the assistance of the Court and have the prohibited transfer set aside.

If, therefore, the transfer of stand No. 171 had been made to Mahomed Mamoojee Dadoo personally the Municipality of Krugersdorp would be entitled to have it set aside both because Dadoo is a coloured person to whom no transfer could be made by virtue of the prohibition in the title of Fouchée and Howell, and also because Dadoo is an Indian and therefore cannot own a stand in the Municipality.

Does it make a difference that the stand is transferred to Dadoo Ltd. a company consisting of M. M. Dadoo and another Indian or coloured person?

I now come to the next important question, to wit, whether the transfer of stand No. 171 into the name of Dadoo Ltd. is a breach of Law No. 3 of 1885 and of section 130 of the Gold Law. In order to determine this question we must first consider when an act is, and when it is not, in fraudem legis.

It is an undoubted principle of our law that if a statute prohibits a particular act you cannot circumvent the statute by doing that act in an indirect manner. As is pointed out by the Judge President in the case of the Madrasa Anjuman

Islamia of Kholwad decided in the Witwatersrand Local Division, the above doctrine was accepted in its entirety by the Roman Dutch jurists. See Voet 1.3.20; Oosterga in his *Censura Belgica* ad D. 1.3.29 states the principle in these terms, "Quasi dicat Juris Consultus non tam spectandum quid dicatur quam quid sentiatur, atque adeo legi vel legislatore fraudem facere qui ejus dicta vel verba magis examinat quam mentem ejus et sententiam."

This principle is based upon two leges of the Digest 1.3.29,30 where it is enunciated in the following terms:—

"29: Contra legem facit qui id facit quod lex prohibet: in fraudem vero qui salvis legis verbis, sententiam ejus circumvenerit.

"30: Trans enim legi fit, ubi quod fieri noluit, fieri autem non vetuit, id fit et quod distat dictum a sententia hoc distat fidus ab eo, quod contra legem fit."

If however we inquire into the exact meaning of the principle I think we will find that there is but little difference between saying that an act is done in fraudem legis and saying that an act which does not at first sight fall within the wording of the law is an illegal act if it falls clearly within the mischief aimed at by the law. Now every enactment is expressed in words and it is only from the words used that we can ascertain the intention of the legislator. When however we wish to ascertain the exact scope of a prohibition we must not confine ourselves to the particular words of a particular section but we must take into consideration the whole act so as to arrive at what exactly the legislature intended to prohibit. In order to determine the wish of the legislator we must see what acts he did not wish to be done even though he did not prohibit them in special terms. For this purpose it is often necessary to examine carefully the past history of the law which led to the particular enactment. (Voet 1.3.19,20.) When we have ascertained the exact intention of the legislature from the whole scope of the legislation we must not allow anything to be done either directly or indirectly against the legislator's real intention.

"Inde etiam fit ut non minus legislatorem offendat is qui facit contra ipsius voluntatem quam qui contra legis verba, proinde licet nihil faciat contra legem, facit tamen in fraudem legis, cum quod legislator una via fieri prohibuit, tentat alia facere." Faber ad L.C.

When therefore we speak of evading a law we use an ambiguous term. In one sense the law can never be evaded for once you have ascertained the voluntas of the legislator any act done contra voluntatem ejus is void. You may however evade the law by doing an act which the law at first glance seems to forbid but which it does not in fact forbid or vice versa. This is brought out very clearly by Lord Lindley in *Bullivant vs. Attorney General* 1901 A.C. 196 at page 207.

"As I have said, there are two ways of construing the word 'evade': one is that a person may go to a solicitor and ask him how to keep out of an act of Parliament—how to do something which does not bring him within the scope of it.

"That is evading in one sense but there is nothing illegal in it. The other is when he goes to his solicitor and says, 'Tell me how to escape from the consequences of the act of Parliament, although I am brought within it.'

"That is an act of quite a different character."

I agree with Mr. van Hoytema that the mere fact that the perpetrator of the act has some idea at the back of his head to circumvent the law does not make the act one in fraudem legis. The motive for doing an act may sometimes be of importance in determining whether the act has been done in fraudem legis or against the intention of the law but it is not always a determining factor. If a person does an act with the motive of getting round an act of Parliament and of circumventing the law, and it turns out that the act is not in fact against the intention of the law and does not fall within the mischief of the law then the act is not done in fraudem legis. Thus to take a concrete example, if a Statute imposes a death duty upon the estate as left by a deceased person it intends to take a certain portion of his estate as it exists at the moment of death. A person therefore who gives away a portion of his estate in order that such portion should not be subject to death duties, even though he suspects that death will soon be upon him, is not doing an act in fraudem legis, for the legislature only intends to take a part of what he actually leaves at death. His motive of distributing his estate before death may well be to minimise the duty to be paid at his death, but if the law does not intend to prevent his distributing his estate before death, he does nothing in fraudem legis. If however the Death Duties

Act is so worded as to make it clear that the legislature intended that no distribution of an estate should occur when the grantor had a reasonable expectation of death, the distribution of his estate might be in fraudem legis.

Sometimes however the motive of the person who does the act is important. Thus in the example from Digest (D. 46.6.1.pr.) quoted by the Judge President in the *Madrasa* case, the S.C. Macedonianum enacted that no one who has lent money to a filius familias can claim it even after the death of the parent of the filius familias. If the moneylender instead of lending money gives the filius familias grain for the purpose of being converted into money he can make no claim for he acts in fraudem legis. The mischief against which the Senatus Consultum aimed its shaft was that filii familias should get into the clutches of usurious moneylenders. If therefore the motive of the moneylender in giving the filius familias grain was to oblige the filius familias with a loan, he fell within the mischief of the law and acted in fraudem legis. If his motive was charity—to provide a needy filius familias with bread—and not with a loan—he could claim back the grain ex mutuo.

It is necessary therefore in the case before us to see what the motive of the legislature was in prohibiting Asiatics from being the owners of land. "quid fieri noluit etiam si fieri non vetuit." What was the mischief at which the Transvaal Legislature aimed when it enacted Law 3 of 1885 and the provision in the Gold Laws that coloured persons could not own or occupy stands? Did it intend that Transvaal land should not fall into the hands of Asiatics and be subject to their will and control or did it merely intend that they should not have their names in the Deeds Register as owners of land?

What is the exact meaning of the prohibition in Law No. 3 of 1885 against Asiatics becoming the owners of fixed property in the Transvaal? Does it mean that an Asiatic's name cannot be placed on the Deeds Register and nothing more? Was the prohibition directed merely against an Asiatic being an owner or was it the intention of the legislature to deprive him of the right of becoming an owner of fixed property and so obtaining control over Transvaal land? Now there is no difficulty in getting at the meaning of the Transvaal Republican legislature. It is written large in the Statute Book and in the history of the country. In the *Grondwet* Art. 9 we read:—"Het volk wil geene gelijkstelling van gekleurden met blanke ingezetenen toestaan noch in kerk noch in Staat."—The people will not recognize the equality of the coloured and white inhabitants either in church or State. It has always been the policy of the Transvaal law to prevent coloured persons from obtaining control over Transvaal land. See *Locale Wetten* Vol. I. pp. 595, 597, 1004. The policy of the law was much wider than merely to prevent the names of coloured persons from appearing upon the Deeds Register. Asiatics, as being coloured persons, were not to become the owners of land and by that I understand either the actual registered owners or beneficial owners of such a nature as to be able to control the land. By the Gold Law (No. 35 of 1908 s. 130) it was made quite clear that a coloured person could not acquire any rights whatever to gold claims or stands on a proclaimed field; he could not even reside upon or occupy any ground held under such right. It was not that the legislature objected to his mere presence on a proclaimed field because he could always reside upon or occupy ground on a proclaimed field as the servant of a European but never on his own behalf. It may be true that sanitary considerations also entered into this policy but that is a mere accident for the true reason for the exclusion of Asiatics and coloured persons was always the fear that they might get control over the land in a country where it was a provision of the *Grondwet* that there should be no equality between white and black. It was this control over land that was the mischief which both Law No. 3 of 1885 and the Gold Laws sought to guard against.

Having now ascertained the exact meaning of the Transvaal legislature in prohibiting Asiatics from being the owners of land and stands on a proclaimed gold-field we must see whether it is an act in fraudem legis for an Indian to float himself into a limited company in order to become the owner of stand No. 171 and so to control it.

It is no doubt true that a company is a juristic conception distinct from its members and that its rights and duties are not the same as those of its members. At the same time we cannot get away from the fact that without members—without real persons—there can be no company. It is the individuals who compose the company who determine what the company is and what it is not to do. A company is said to act in its corporate name and through representatives appointed by its members, but the ultimate control of the affairs of the company rests with the

individuals that compose it. If we fix our eyes too much upon its corporate existence and its being a legal entity we are apt to lose sight of the fact that after all a company is only a partnership of individuals who have obtained the sanction of the State to act as a juristic person. In the Daimler case 85. L.J. 1333, 1338, Lord Halsbury said:—

“Under these circumstances it becomes material to consider what is this thing which is described as a ‘corporation.’ It is in fact a partnership in all that constitutes a partnership except the names, and in some respects the position of those whom I shall call the ‘managing partners.’”

Apart from its members a company may be inscribed upon the registers as the owner of stand No. 171 but apart from its members it can exercise no control over the stand.

If therefore the law prohibits an Indian or coloured person from obtaining the disposal of and control over a stand in Krugersdorp, it equally prohibits a body of Indians from becoming a corporate body in order to control as such property in the Municipality.

The limited company of Dadoo Ltd. was manifestly formed to acquire what Dadoo himself could not hold. If the mischief which Act 3 of 1895 wishes to provide against is the control of land by Indians and if the mischief which section 130 of Law 35 of 1908 wishes to guard against is the acquiring of a right by Indians or coloured persons to stands on a proclaimed area either by transfer or by lease, then this mischief is not avoided if we allow a collection of Indians to hold these stands under the guise of being incorporated. As we saw a company as such can exercise no control over a stand, this must be done by its members, and if its members are Indians the control of the stands is in the hands of Indians, a condition which the law sought to avoid. If the only object of the legislature was to prevent Indians from having their names inscribed on the registers then of course there can be no harm in a company formed exclusively of Indians holding the land. I cannot conceive that this ever was the intention of the legislature. It seems clear from section 130 of the Gold Law that it was the presence upon the stand and the control of the stand by coloured persons that the legislature wished to prevent. If this is the case it is in fraudem legis for a number of Indians to combine and to float themselves into a limited liability company and so laugh at the legislature. In the words of Lord Halsbury: “The whole discussion is solved by a very simple proposition that in our law, when the object to be obtained is unlawful, the indirectness of the means by which it is to be obtained will not get rid of the unlawfulness.” (Daimler case supra. p. 1338.)

This was the view of the Judge President in the Madrassa case and I think it is the correct view.

When the Madrassa case went to the Court of Appeal it was there held that the legal entity called a company cannot occupy a stand because the occupation contemplated by the Gold Law is a physical occupation and of this a physical person alone is capable. It would seem anomalous to allow a company of Indians to be the registered owners of a stand and yet to deny to that same company the lesser right of occupation, for the right of ownership includes all rights of use and abuse, occupation included. It has been argued that if we disallow a company of Indians to own land a difficult position may arise, for Indians may acquire by purchase in the open market so many shares in a company which owns a stand in the Krugersdorp Municipality until eventually the stand is owned by and controlled by a company of Indians.

I appreciate the difficulty. The fact that such a case may present a difficulty cannot affect the present case in which it is quite clear that the company was deliberately floated by Dadoo to bring about indirectly a state of affairs which the law would not tolerate him to do directly.

The Court will therefore order that the transfer of stand No. 171 from Howell and Fouché to Dadoo Ltd. be set aside and that the Respondents pay the cost of this appeal.

A similar order will be made in the case of Stand No. 340 transferred by John Madden Spiller to Dadoo Ltd.

This 4th day of December 1919.

J. W. WESSELS,
Judge of the Court.

Enclosure 2 in No. 131.

JUDGMENT IN THE MATTER OF
SULIMAN TAYOB & Co. (Appellants)

MUNICIPAL COUNCIL OF POTCHEFSTROOM (Respondents).

This is an appeal from a decision of the Municipal Council of Potchefstroom, refusing the application of Suliman Tayob & Co. for a General Grocer's Licence. Four other appeals are also brought, in which similar applications were refused. It is agreed between the parties that the facts in all five applications being similar, the decision of the Court in this appeal will be accepted in the other four, without production of further evidence or argument.

The grounds of appeal alleged are that the Respondent Council did not give proper and judicial consideration to the application. The Appellant established the first onus resting on him of proving that his application was made and refused, by the production of a copy of the Respondents' resolution as follows:—

That after duly considering the application of Suliman Tayob for a General Grocer's Licence, and after hearing the applicant in support of his application, the Council hereby decides by virtue of section 90 (e) of the Local Government Ordinance 1912 as read in conjunction with section 91, to refuse the said application, as in the opinion of the Council the applicant is not a desirable person to hold such a Licence.

The Town Clerk was then called and handed in a certified copy of the Minutes of a Special Meeting of the Respondent Council held on the 12th September 1919 and also gave evidence. The facts established are that the application is for a General Grocer's Licence for premises in Potgieter Street, where there is already a business in the name of Gani Ebrahim. There are two partners, both married, the applicant with one child and the partner having two. It is their intention to live on the premises, the living rooms being at the back of and isolated from the store with which there is no connection. Neither applicant or his partner nor any clerk employed by them has been convicted of a breach of the by-laws during the past three years. The applicant came to the Transvaal in 1898, was properly registered and held a permit which he produced. He had kept a store on a farm in the Potchefstroom District for ten years and could understand questions put to him in the Dutch language.

There was no objection on the part of any member of the public, no record of any conviction or anything against his character. The discussion, which took place in committee, showed that the members of the Respondent Council are opposed to Asiatic trading, having regard to certain considerations attached to such trading. The application was considered in a broad and general way, the merits or demerits of the applicant not being entered into.

The Council discussed:—

1. The methods of trading by Indians.
2. Their mode of life.
3. The small rate of remuneration paid to employees.
4. The low standard of living.
5. The annoyance caused to European neighbours owing to their personal habits.
6. The danger of possibility of improprieties between unprincipled Indians and low class European women.
7. The fact that Indians do not pay so much attention to sanitation as Europeans.

The cumulative effect of the discussion was that applicant is not a desirable person. In the course of the discussion doubt was expressed as to the legality of their residence in a town and whether they should not be confined to the Asiatic Bazaar. It is admitted that the considerations which influenced the Council would not have applied if the applicant had been a European.

The Council met at 8 p.m. and dealt with applications, going into committee at 10.30 p.m. The discussion in committee lasted until 11.30 p.m. when the Council resumed in open session. One new licence was granted to an Indian born in South Africa to trade in the Bazaar. The application of the appellant was unanimously refused in terms already recorded.

The question for decision is whether in view of these facts the application was refused on good and sufficient grounds.

Under section 90 of the Local Government Ordinance "the Council may refuse to grant any licence to carry on a trade or business which it has power to license in accordance with its by-laws." The effect of this is that prima facie any person is entitled to claim a licence and it can only be refused on grounds relating to the social and economical interests of the public, which are embodied in the section. (*Municipality of Vereeniging v. Essop* A.D. 1916. p. 556. *Ermelo Municipality v. Ismail Ibrahim T. P.* 1913. p. 357.) The discretion of the Council is not absolute as it is fettered by the provision of the Statute (*Ermelo Municipality v. Ibrahim supra*). This Court sitting as a Court of Appeal from the decision of an administrative body is vested with the duty of satisfying itself that the administrative power, placed in the hands of the Municipality, has been properly exercised. In short, subject to the provisions of the Statute, the Magistrate has to supervise the administration of the Council in that respect. (*Essop's case* at p. 555.)

The character of the Appellant was not impugned, in any way, and the considerations which influenced the Respondent Council were not personal to himself but against Asiatics as a class. The Respondents appear to have discussed a number of considerations in general terms in regard to which there is no evidence on record either against the applicant himself or against Asiatics generally.

While these are considerations not specifically referred to in section 90 and 91 of the Ordinance, it is claimed that in their cumulative effect they justify the Council in considering an applicant not a desirable person under section 90 (e) or that the granting of a licence to such a person would be contrary to the public interest under section 91 (c).

While it is clear that the Council can only refuse an application on grounds referred to in section 90 the terms of sub-section (e) thereof are very wide and permit the consideration of objections that an applicant is not a desirable person, on grounds otherwise than those mentioned in the section. An admission by an applicant for the renewal of a licence that he had been guilty of selling intoxicating liquor known as Raspberry was held to justify a Municipal Council in regarding him as a person not desirable to hold a licence (*Ahyen v. Magistrate of Pretoria and Municipality of Pretoria* not yet reported).

A Municipal Council responsible for the health and social conditions of its population is an administrative body, whose functions are defined by the legislature. The members sitting as an administrative body to deal with applications for licences are not bound by the rules of evidence. (*Magda v. Registrar of Asiatics T. S.* 1909. p. 399.) They are entitled to use or take into consideration acquired knowledge (case of *Ahyen*). Experience usually must be a most valuable help and no objection can be taken to a person making full use of it (*Britten and others v. Pope* A.D. 1916. p. 174).

The bona fides of the Respondents in dealing with the application have not been challenged. The question must be considered however whether in refusing the application on grounds of "class distinction" they have not acted arbitrarily or capriciously and thus improperly fettered the discretion vested in them by Law.

The applicant admits that if successful it was the intention of his partner and himself to reside on the premises in respect of which the licence was sought, with their respective families. During the consideration of the application by the Council, doubts were expressed as to the legality of residence by Asiatics, elsewhere than in the Asiatic Bazaar. Has the Council any ground for such doubt, or is this expressed out of mere caprice? Law 3, 1885, lays down that the Government shall have the right to point out certain streets, wards and locations for Asiatics to live in. The establishment of an Asiatic Bazaar at Potchefstroom is a fact, the knowledge of which I am entitled to avail myself of. In the case of *Habib Motan v. Transvaal Government T. S.* 1904. p. 404 it was held that the restrictions in Law 3, 1885 do not apply to business places, but only to residences of Asiatics and the Government was ordered to issue trading licences to the applicant in the towns of Pretoria and Pietersburg. The decision makes it clear (see page 416) that if the applicant in that case had intended to reside on the premises, the Government had a perfect right to refuse the application. It is unnecessary for me to burden this judgment with an analysis of legislative enactments dealing with the subject. The attitude of the legislature is summarized shortly by Kotze, A. A. J. A. in the following obiter dicta in the case of *Madrassa, Anjuman Islamia v. Johannesburg Municipality* A.D. 1917 at page 729 as follows:—

The reason for restrictive or prohibitive provisions in regard to Asiatics, natives and coloured persons is to be sought in what has always been the

clear and established policy of the Transvaal State prior to annexation and subsequently. It is on the ground of public health that Asiatics, natives and coloured persons had special wards or locations within which to live assigned to them, and were not permitted to dwell among the European population of a town or village, except as servants of some white person.

This statement of the position leaves little room for doubt that the granting of an application by an Asiatic for a licence to trade in a town, where his residence therein will follow in consequence, is in conflict with express provisions of the legislature and therefore contrary to the public interest.

The Respondent Council appear to have fully considered the application. There is nothing to suggest that the discretion with which they are vested was fettered in any way. In agreeing with a class distinction having legislative authority and the existence of which finds the highest judicial support, it cannot be claimed that they have acted arbitrarily or capriciously.

In my opinion the application was refused on good and sufficient grounds and the appeal is dismissed.

H. BRITTEN,
Magistrate.

Potchefstroom, 1st December, 1919.

(f) Position of Chinese residents in the Union.

5045

No. 132.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL

(Sent 9th February, 1920.)

TELEGRAM.

[Answered by No. 133.]

9TH FEBRUARY. Chinese Minister has received following telegram from Lai King, Chairman Chinese Association, Johannesburg. *Begins*: Several hundreds old established Chinese shopkeepers, Johannesburg and elsewhere, refused renewal trading licences involving loss of very large sums invested and confiscation huge business interests. Please take immediate action affording relief.—*Ends*. Chinese Minister, in communicating this, mentioned that newly appointed Chinese Consul-General, who is already familiar with facts, will arrive at Johannesburg shortly, and expressed hope that enforcement of the law, which he presumed was cause of trouble, might be postponed until arrival of Consul-General. Should be glad to know what are the facts.—FOR THE SECRETARY OF STATE.

12095

No. 133.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.40 a.m., 6th March, 1920.)

TELEGRAM.

2ND MARCH. Your telegram 9th February,* trading licences for Chinese. Ministers state that some confusion arose through misinterpretation of Act No. 37 of 1919, but matter has now been adjusted and licences are being issued.—Buxton.

* No. 132.

26970

No. 134.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st June, 1920.)

(Confidential. (1))

MY LORD, Governor-General's Office, Cape Town, 14th May, 1920.
I HAVE the honour to transmit to Your Lordship a copy of a letter which I have received from the Chinese Consul-General regarding the position occupied by the subjects of China domiciled within the Union, together with a copy of the reply which I have caused to be sent. I have forwarded a copy of this correspondence to my Ministers for their information.

2. In this connexion I would refer to Lord Gladstone's despatches, Confidential (1) of the 30th November, 1910,* and Confidential (1) of the 7th December, 1910,† and to Mr. (now Viscount) Harcourt's despatch No. 431 of the 3rd September, 1914.‡

I have, &c.,

BUXTON,
Governor-General.

Enclosure 1 in No. 134.

Consulate-General of China, P.O. Box 4467,
Johannesburg, 29th April, 1920.

YOUR EXCELLENCY.

I BEG to approach Your Excellency in order to bring to your notice the anomalous position occupied by the subjects of the Republic of China domiciled within the Union of South Africa.

As an independent nation allied with Great Britain during the late War, I would respectfully urge the claim of Chinese subjects to treatment no less favourable than that accorded to the subjects of other independent States; furthermore, I would point out that the Chinese resident in South Africa constitute only one per cent. of the Union's Asiatic population, and, I submit, that they have during their many years' residence always conducted themselves with credit, and that both in their business and other relations proved a valuable asset to the State and community.

In consequence of the numerous restrictions imposed by various Laws, details of which I need not enter upon in this communication, the rights and privileges of Chinese subjects are most seriously affected, and in effect reduces them to the standing of coloured persons, thereby creating a condition which is unique in the attitude adopted towards China by any part of the British Empire, and constitutes a position to which the strongest exception is taken.

The Immigration Law, whilst in force, precludes further immigration of Chinese into this country; and even if more equitable conditions prevailed, that there will be no influx of Chinese can be definitely assured; thus the Chinese population in the Union decreases with each year.

On behalf of the subjects of the Republic of China legally domiciled within the Union of South Africa, I would ask for the amelioration of these conditions and their exemption from the operation of the laws referred to, and pray that Your Excellency may thus secure the removal of the many disabilities which now obtain.

May I also make mention of the fact that the Chinese Exclusion Act of 1904, enforced during the period of the importation of Chinese labour into the Transvaal, still remains on the statute book, and to respectfully suggest that the purpose of the Act no longer exists.

I have, &c.,

LIU NGAI,
Chinese Consul-General for South Africa.

His Excellency
The Governor-General of the
Union of South Africa,
Cape Town.

* No. 286 in African (South) No. 947. † 33476: not printed. It dealt with the undesirability of Consular Officers engaging in correspondence with Dominion Governments on matters of general policy. ‡ 33027: not printed; it transmitted a copy of the enclosure to No. 236 in African (South) No. 1012.

Enclosure 2 in No. 134.

(No. 15/1018.)

SIR,

Governor-General's Office, Cape Town, 14th May, 1920.

I AM directed by the Governor-General to acknowledge the receipt of your letter of the 29th April, relative to the position occupied by subjects of the Republic of China domiciled within the Union of South Africa, and to inform you that, as the representations made in your letter appear to deal with a question of general policy in regard to Chinese subjects resident in the Union, His Excellency considers that it would be more appropriate that they should be made through the usual diplomatic channel.

I have, &c.,

G. HAZLERIGG,
Secretary to the Governor-General.

The Consul-General of China,
P.O. Box 4467, Johannesburg.

V. POSITION OF INDIANS IN MANDATED TERRITORY.

2901

No. 135.

INDIA OFFICE to COLONIAL OFFICE.

(Received 17th January, 1920.)

SIR,

India Office, Whitehall, London, S.W., 16th January, 1920.

IN reply to Sir H. Lambert's letter of the 21st November,* I am directed by the Secretary of State for India to suggest, for the consideration of the Secretary of State for the Colonies, the following points with regard to the former German territories which pass under mandate to the Governments of the several Dominions.

German South West Africa presents, rightly speaking, the same geographical, climatic and social features as parts of the Union of South Africa, and, if there are at present no Indians within the territory, the application thereto of the Union immigration laws, precluding the possibility of an Indian community coming into existence, could no doubt be defended on much the same grounds as were advanced in the case of the Orange Free State. None the less, the fact that transfer from German to British South African administration should entail a new legal discrimination against the entry of British Indian subjects will be naturally resented in India. It is further to be noted that in the past the German authorities were desirous of introducing labour immigrants from British India.

With regard to the territories in the Pacific to be assigned to Australia and New Zealand, the conditions in German New Guinea and the adjacent islands, some of which are under the control of His Majesty's Government, can never approximate to those which have given use to the "White Australia" policy. Not only is there no legal obstacle in the way of the entry of Indians into the British Solomon Islands, but British commercial concerns interested in these islands have manifested a keen desire to develop them by Indian immigration. The extension of the Australian Immigration Law to the German Solomon Islands not only would result in the imposition of a bar against Indians, which was not imposed by the German Government, but might lead to a marked anomaly, which could not fail to be resented between the position of Indians in the two groups.

As regards Samoa, it is quite intelligible that no British Indian subjects desired to settle under German rule in this or the other German Pacific Colonies. But Mr. Montagu understands that there is a Chinese community in German Samoa, and it is probable that Indians may wish to enter the islands now that German control has ceased.

* No. 15 in Dominions No. 70.

He would, therefore, urge that the Secretary of State for the Colonies will be so good as to communicate to the Governments of Australia and New Zealand the appeal of the Secretary of State for India in Council, that in applying or modifying their own laws as regards these territories they will bear in mind the share taken by India in the War, and will take into account the bitter disappointment that must be felt in India if the overthrow of German Colonial rule were to result in the imposition of new legal disabilities on British Indian subjects.

I am, &c.,
F. W. DUKE.

15603

No. 136.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by Nos. 137, 138 and 141.]

(Commonwealth of Australia. No. 126.)
(New Zealand. No. 60.)

[MY LORD,] [SIR,]

Downing Street, 23rd March, 1920.

I HAVE the honour to request [Your Excellency] [you] to inform your Ministers that the Secretary of State for India in Council has requested that consideration may be given to the position of British Indian subjects in relation to territories for which a mandate is conferred upon the Commonwealth of Australia and the Dominion of New Zealand in accordance with paragraph 6 of Article 22 of the Covenant of the League of Nations.

2. The Secretary of State for India in Council understands that the Mandatory Government will, in each case, have full power of administration and legislation over mandated territories, and may apply its own laws, including its immigration laws, subject to local modifications. He is anxious that Indian sentiment and Indian interests should not be overlooked when the Government of the Commonwealth of Australia and the Government of New Zealand approach the question of applying or modifying their own laws to the mandated territories; and he has accordingly asked that the share taken by India during the War may be borne in mind, and that account should be taken of the bitter disappointment likely to be felt in India if the overthrow of German Colonial rule were to be followed by the imposition of legal disabilities which had not previously existed on Indian subjects.

3. I am sending a similar despatch to the Governor-General of [New Zealand.] [the Commonwealth of Australia.]

I have, &c.,
(For the Secretary of State)
L. S. AMERY.

45715

No. 137.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th September, 1920.)

[Answered by No. 140.]

(No. 253.)

Commonwealth of Australia,

MY LORD,

Governor-General's Office, Melbourne, 27th July, 1920.

REFERRING to your despatch dated 23rd March, 1920, No. 126,* respecting the position of British Indian subjects in relation to territories for which a mandate is conferred upon the Commonwealth of Australia in accordance with paragraph 6 of Article 22 of the Covenant of the League of Nations, I have the honour to inform Your Lordship that my Prime Minister advises me that this matter will receive full consideration when the terms of the mandate are known.

I have, &c.,
R. M. FERGUSON,
Governor-General.

* No. 136.

47747

No. 138.

NEW ZEALAND

THE ADMINISTRATOR TO THE SECRETARY OF STATE.

(Received 27th September, 1920.)

(No. 133.)

MY LORD,

Government House, Wellington, 20th August, 1920.

I HAVE the honour to inform Your Lordship that I duly brought under the notice of my Ministers your despatch No. 60, of the 23rd March,* intimating that the Secretary of State for India in Council has asked that consideration may be given to the position of British Indian subjects in relation to territories for which a mandate is conferred upon Australia and upon New Zealand in accordance with the Covenant of the League of Nations.

2. The Prime Minister advises me to reply that the New Zealand Government will endeavour to comply with the request in their legislation for, and administration of, Western Samoa.

I have, &c.,

ROBERT STOUT,
Administrator.

8900

No. 139.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 24th February, 1921.)

SIR,

India Office, Whitehall, London, S.W.1, 23rd February, 1921.

I AM directed by the Secretary of State for India in Council to refer to the correspondence ending with Colonial Office letter of 8th October, 1920,† in regard to the position of Indians in relation to territories for which the Dominions of Australia and New Zealand become mandatories.

It was stated in the despatch, No. 253, from the Governor-General of Australia, dated 27th July, 1920,‡ copy of which was transmitted with Colonial Office letter, of 27th September, 1920,§ that the Commonwealth Government would give full consideration to the matter when the terms of Australia's mandate were known.

The mandate in question has now been approved by the Council of the League of Nations and communicated to the Government of State Members of the League. Mr. Secretary Montagu would accordingly ask, should Mr. Secretary Churchill see no objection, that an inquiry should now be addressed to the Australian Government as to whether they will be able, in approaching the question of the application of the Commonwealth Immigration Law to ex-German New Guinea and the adjacent islands, to take account of the considerations involved in the suggestions previously made by the Secretary of State for India in Council and transmitted in Colonel Amery's despatch, No. 126, dated 23rd March, 1920.*

Copy of a correspondence with the Indians Overseas Association bearing on the question is enclosed.

I have, &c.,

J. E. FERARD.

Enclosure 1 in No. 139.

Indians Overseas Association,

47-48, Danes Inn House, 265, Strand, London, W.C.2.

SIR,

11th February, 1921.

I AM directed by my Committee to draw the attention of the Secretary of State in Council to the terms of the "C" category of mandates as appearing in the *Times*. These mandates are, it would appear, applicable when approved by the

* No. 136. † 47747: L.F. not printed: it transmitted copy of No. 138. ‡ No. 137.

§ 45715: L.F. not printed.

Council of the League of Nations to "German" South-West Africa, for which the Union of South Africa is to be the mandatory, Samoa, for which New Zealand is to be the mandatory, and the former German islands of the Pacific South of the Equator, including New Guinea, for which Australia is to be the mandatory.

2. My Committee understands that the "C" category of mandates permits the administration of the mandated territories under the laws of the mandatory as integral portions of its territory, subject to safeguards contemplated for the indigenous population, and it would appear that article 2 of the mandate makes special provision for this.

3. In my Committee's opinion, the mandate, as drafted, would give to the mandatory power the right to apply in the mandated areas its immigration laws, designed to exclude or restrict Indian immigration, and any other legislation imposing disabilities upon Indians already resident, and if my Committee's contention be correct, then obviously, both as to immigration and as to conditions of residence, trade, and ownership of land, Indians will actually be in a worse position as to the mandated areas under these mandates than they were or would have been in the same areas under the German régime. The League of Nations would thus impose upon Indian citizens a stigma against which His Majesty's Government would, before the War, have been bound to protest had the German Government attempted to impose it.

4. My Committee notes with interest that the Government of Japan have lodged with the Council of the League a declaration maintaining their claim that there should be equal opportunities for trade and commerce in territories under mandates, and asserting that their acceptance of these mandates in their present form "should not be considered as an acquiescence on the part of His Imperial Japanese Majesty's Government in the submission of Japanese subjects to a discriminatory and disadvantageous treatment in the mandated territories; nor have they thereby discarded their claim that the rights and interests enjoyed by Japanese subjects in these territories in the past should be fully respected."

5. My Committee will be glad to receive an early assurance from the Secretary of State in Council that reservations of a similar formal character have been made on behalf of India for the effective safeguarding of the rights and interests of His Majesty's Indian subjects and the subjects of the Native States.

I have, &c.,

H. S. L. POLAK.

The Under Secretary of State,
Public Department,
India Office, S.W.1.

Enclosure 2 in No. 139.

SIR, India Office, 23rd February, 1921.

I AM directed by the Secretary of State for India in Council to inform you that he has for some time past had under consideration the possible effect of the grant of "C" Mandates to certain Dominions on Indians, who might desire to emigrate to the territories concerned, in view of the wording of Article 22 of the Covenant of the League of Nations under which the immigration laws of the mandatories may be extended to these territories; as regards the possibility of other restrictive legislation, Mr. Montagu understands that there are at present few, if any, Indian residents in the territories in question.

Mr. Montagu has taken such action as appears to him to be possible in causing certain of the Dominion Governments to be addressed in regard to this question.

I am, &c.,

J. E. FERARD.

H. S. L. Polak, Esquire,
Honorary Secretary,
Indians Overseas Association,
47-8, Danes Inn House,
265, Strand, W.C.2.

8900

No. 140.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 141.]

(No. 114.)

MY LORD,

Downing Street, 8th March, 1921.

WITH reference to Your Excellency's despatch No. 253, of 27th July, 1920,* respecting the position of British Indian subjects in relation to territories for which a mandate was to be conferred upon the Commonwealth of Australia, I have the honour to request you to inform your Ministers that the Secretary of State for India in Council has inquired whether, in view of the fact that this mandate has now been approved by the Council of the League of Nations, your Government will be able, in approaching the question of the application of the Commonwealth Immigration Law to ex-German New Guinea and the adjacent islands, to take account of the considerations involved in the suggestions previously made by him and transmitted in my despatch No. 126, of the 23rd March, 1920.†

I have, &c.,

(For the Secretary of State).

L. S. AMERY.

39808

No. 141.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9th August, 1921.)

[Answered by No. 143.]

(No. 219.)

SIR,

Governor-General's Office, Melbourne, 18th June, 1921.

REFERRING to Colonial Office despatches dated 23rd March, 1920, No. 126, and 8th March, 1921, No. 114,‡ respecting certain suggestions made by the Secretary of State for India in Council with regard to treatment of British Indian subjects in the Territory of New Guinea, I have the honour, at the instance of my Acting Prime Minister, to request that you will be so good as to convey to the Secretary of State for India in Council the thanks of the Government of the Commonwealth of Australia for having brought to its notice, before the coming into operation of the civil administration to be established in the Territory of New Guinea (formerly called German New Guinea) under the Mandate from the League of Nations, the desirability of giving special consideration to the position of British Indian subjects in this Territory. The Commonwealth Government is happy to be able to state in reply that, in view not only of the share taken by India during the War, to which the Secretary of State for India has referred, but also of the common interests of the Empire as a whole, it will find no difficulty in principle in securing to those classes of British Indian subjects who are likely to come to the Territory substantially the same rights, both as to entry and residence, as will be enjoyed by other British subjects.

The Commonwealth Government is not fully informed as to the position of British Indian subjects under the German administration, but it understands that they were under no special disabilities which were not imposed on aliens generally. Nevertheless, there were in 1914, according to the statistics published by the German Government, only two British Indian subjects in German New Guinea, one a shipping clerk, the other the owner of a small plantation. Both are now dead, and so far as is known there are now no British Indian subjects in the Territory.

My Ministers have drawn attention to the fact that in 1914 there were only two British Indian subjects in German New Guinea, as this seems to show that

* No. 137.

† No. 136.

‡ Nos. 136 and 140.

there has been no great desire on their part to go there; and in particular they desire to point out that manual labourers do not seem to have sought to enter the Territory.

If there were any probability of manual labourers in any number desiring to emigrate to the Territory of New Guinea, the Commonwealth Government would find itself in some difficulty, as under the Mandate the consideration paramount above all others in the administration of the Territory is the welfare of the natives, which has been committed by the League of Nations to the care of the Commonwealth "as a sacred trust of civilization." The natives of the Territory are as yet little advanced in culture, and economically they are at a low level. It will be the object of the Commonwealth Government to educate and assist them in their progress towards civilization, and one of the most promising methods of doing this will be to encourage them to engage under proper conditions in manual labour, and especially in handicrafts. While they are at their present stage, it might be most dangerous to their welfare to expose them to competition with the classes of British Indian subjects who usually emigrate as manual labourers and who are culturally far above them.

In view of these facts, the Commonwealth Government hopes that the Indian Government will share its view that British Indian subjects who are manual labourers should not come to the Territory.

The Commonwealth Government would accordingly suggest that, so far as concerns entrance to the Territory, it will be sufficient to extend to the Territory the arrangements for the admission and residence within Australia of Indian merchants, students and tourists, with their wives, specified in my predecessor's despatch of 14th April, 1919, No. 95,* to the Colonial Office on the subject of reciprocity of treatment between India and Australia, it being understood that the Indian Government will not issue passports to the Territory of New Guinea to manual labourers.

With regard to the rights of British Indian subjects who have lawfully entered the Territory, the Commonwealth Government has not during the military administration made any distinction in law or in administration between British Indian subjects and other British subjects, and it has no intention of doing so in the future.

The Commonwealth Government desires to assure the Secretary of State for India of its desire to act in harmony with the views of the Government of India, and in particular of its wish to avoid any act which might cause any disappointment in India or which might otherwise lead to the embarrassment of the Government of India. For this reason its views have been set out fully and frankly, and it expresses the hope that the Secretary of State for India will feel that its proposals will satisfy the legitimate wishes of the peoples of India.

I have, &c.,

FORSTER,
Governor-General.

44343

No. 142.

INDIA OFFICE to COLONIAL OFFICE.

(Received 5th September, 1921.)

SIR, India Office, Whitehall, London, S.W., 5th September, 1921.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of the 19th August,† and enclosed copy of a despatch from the Governor-General of the Commonwealth of Australia on the subject of the position of Indians in regard to the mandate Territory of New Guinea.

Mr. Secretary Montagu is consulting the Government of India regarding the suggestions contained in the Governor-General's despatch, and on receipt of their reply a further communication will be addressed to you. In the meantime, Mr. Montagu wishes to express his acknowledgment of the interest which the Commonwealth Government have taken in the matter.

I am, &c.,

M. C. SETON.

* No. 19 in Dominions No. 70. † 39808: not printed. It transmitted copy of No. 141.

44343

No. 143.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 357.)

MY LORD,

Downing Street, 9th September, 1921.

WITH reference to Your Excellency's despatch No. 219, of the 18th June,* on the subject of the position of Indians in the Territory of New Guinea, I have the honour to request you to inform your Ministers that the Secretary of State for India is in consultation with the Government of India regarding the suggestions contained in the despatch, but, in the meantime, wishes to express his acknowledgment of the interest which the Commonwealth Government have taken in the matter.

I have, &c.,
WINSTON S. CHURCHILL.

61067

No. 144.

INDIA OFFICE to COLONIAL OFFICE.

(Received 9th December, 1921.)

SIR,

India Office, Whitehall, London, S.W., 8th December, 1921.

WITH reference to your letter of the 19th August, 1921,† and the letter from this Office of 5th September,‡ on the subject of the position of Indians in regard to the mandate territory of New Guinea, I am directed by Mr. Secretary Montagu to transmit, for the information of Mr. Secretary Churchill, copy of a letter which has been received from the Government of India regarding the despatch from the Governor-General of the Commonwealth of Australia No. 219, dated 18th June, 1921.*

Mr. Montagu would be glad if an expression of the thanks of the Government of India could be conveyed to the Commonwealth Government in the terms indicated in the first paragraph of the Government of India's letter.

With reference to paragraph 2 of the letter, Mr. Montagu assumes that the Australian Immigration Act, 1901-20 has not been applied to the territory of New Guinea, but he would be glad to learn whether this assumption is correct.

Mr. Montagu would be glad also to receive any information that is available as to the restrictions, if any, which may exist on immigration into the territory of Papua.

It will be observed that the Government of India draw attention to the suggestion made in the Commonwealth despatch that it would be sufficient to arrange for the admission into New Guinea of the same classes of Indian visitors and temporary residents as may be admitted to the Commonwealth itself. The Government of India strongly deprecate such an arrangement because it would involve the acceptance of a formal policy of general exclusion, even though it is not expected that in practice any Indians would desire to enter the territory except as visitors or for purposes of temporary residence; and since for this very reason the Commonwealth Government need apprehend no danger of Indian immigration, the Government of India suggest that there is nothing to be gained by a formal departure from the principle (which it appears desirable to recognize) that there should be free access for British subjects to a territory under the mandate of a British Member of the League of Nations, in order that there may be no ground for a complaint that the position of Indians in regard to such territories is even theoretically worse than it was while they remained under German rule.

Moreover, it will be seen from Chapter III of the Indian Emigration Bill (copy of which is enclosed for ease of reference) that unskilled labourers (including by definition agricultural workers) will not be permitted to emigrate from India except

* No. 141. † 39808: not printed; it transmitted a copy of No. 141. ‡ No. 142.

to such countries as may be specified by notification in the Gazette of India. The attention of the Commonwealth Government might be drawn to this provision and to the Government of India's assurance that they have at present no intention of notifying New Guinea as a country to which the emigration of such workers would be lawful.

In view of the considerations set forth in the Government of India's letter, Mr. Montagu entirely associates himself with their hope that it will not be thought necessary or desirable by the Commonwealth Government to impose any restrictions on the immigration of Indians into the territory other than such restrictions as may be of general application.

I am, &c.,
J. C. WALTON.

Enclosure in No. 144.

(No. 209.)

POSITION OF INDIANS IN REGARD TO THE MANDATE TERRITORY OF NEW GUINEA.

Government of India, Department of Revenue and Agriculture
(Emigration), Delhi, 10th November, 1921.

SIR,

In reply to Mr. Walton's letter dated 6th September on the subject of the position of Indians in regard to the mandate territory of New Guinea, I am directed to request that the Right Honourable the Secretary of State will be so good as to convey an expression of the thanks of the Government of India to the Commonwealth Government for the interest they are taking in the matter, and for the assurance that they will find no difficulty in principle in securing to those classes of British Indian subjects who are likely to come to the territory substantially the same rights both as to entry and residence as will be enjoyed by other British subjects.

2. The Government of India have not yet been informed whether the Australian Immigration Act 1901-20 has been applied to the Territory of New Guinea by an Ordinance of the Governor-General or not, nor have they any information regarding existing restrictions on immigration into the adjoining Territory of Papua. They understand, however, that the proposal to which their concurrence is invited, is that all Indians should be excluded from the mandated territory except merchants, students and tourists, who may be admitted on the terms specified in Sir R. M. Ferguson's letter No. 95 of 14th April, 1919. To the rigid exclusion of Indians on these lines from a mandated territory, the Government of India regret that they are unable to assent. New Guinea is a tropical country, with a climate which renders colonization by the white races impossible, and it would appear that the same objections cannot exist to the settlement of Indians in this territory as have been advanced in the case of the continent of Australia. In the British Solomon Islands and Fiji not only are there no legal obstacles in the way of the entry of Indians, but British commercial concerns interested have manifested a keen desire to develop these islands by means of Indian immigration. There are no Indians at present in New Guinea, and there are no grounds for supposing that any Indians, whether skilled or unskilled workers, are likely to desire to enter and settle in the country. The view taken by this Government is that both on principle and for the reason that the danger apprehended is non-existent it would not be justifiable to introduce restrictions on the immigration of Indian manual labour which cannot fail, when known, to excite deep resentment in this country, and which will give grounds for the complaint that the position of Indians in mandated territories is worse than it was under the German Government. They note that in agreeing to the issue of the mandate to the Commonwealth Government, the Government of Japan stipulated that their agreement was not to be interpreted as implying acquiescence in the submission of Japanese subjects to discriminatory and disadvantageous treatment in the mandated territories, and the Government of India claim at least for Indians not less favourable treatment than is accorded to the Japanese.

3. I am to enclose a copy of the Emigration Bill,* now before the Indian Legislative Assembly, from which it will be seen that the emigration of unskilled

* Not printed.

labour overseas is prohibited except to such countries as may be notified. The Government of India have no present intention of notifying New Guinea under clause 10 of the Bill and will not do so without previously consulting the Commonwealth Government.

4. They trust, therefore, that no restrictions of any kind will be imposed on the immigration of Indians other than those which are of general application to all classes of immigrants, British or otherwise.

I have, &c.,
J. HULLAH,
Secretary.

The Under Secretary of State for India,
India Office, London.

CO 856/9/2

73

75

Dominions

No. 75.

CONFIDENTIAL.

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS.

POSITION OF THE SELF-GOVERNING DOMINIONS.

CORRESPONDENCE

1917 and 1918 (Nos. 141 to 149)

1919 and 1920.

(Continued by Dominions No. 81.)

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AERIAL NAVIGATION CONVENTION.					
			1919		
1	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	November 20	Notifies signature of Aerial Navigation Convention at Paris on 18th October on behalf of the United Kingdom and ten foreign Powers and inquires whether Ministers see any objection to signature of Convention at Paris by Dominion representatives on the British Peace Delegation on behalf of their respective Governments when the Bulgarian Treaty is signed.	1
2	The Governor-General	New Zealand Telegram	November 24 (Rec. Nov. 25)	States that Ministers agree that New Zealand representative should sign Convention as proposed, and instructions are being sent to the High Commissioner accordingly.	1
3	Ditto	Union of South Africa Telegram	November 25 (Rec. Nov. 25)	States, in reply to No. 1, that Ministers agree to signature of the Convention by the Acting High Commissioner on behalf of the Union when the Bulgarian Treaty is signed, and they inquire whether special authority will be needed.	2
4	Ditto	Commonwealth of Australia Telegram	November 26 (Rec. Nov. 26)	States that High Commissioner is being authorized to sign Convention on behalf of Australia.	2
5	To the Governor-General	Union of South Africa Telegram	November 26	States that purport of No. 3 has been communicated to the Acting High Commissioner, who has also received the King's full power covering matters connected with the Peace Conference.	2
6	The High Commissioner	Canada	November 27	Quotes cablegram from Ottawa authorizing Sir George Perley to sign Convention on behalf of Canada subject to complete reservation as to further action by the Canadian Government.	2
7	To the Governor-General	Canada Telegram	December 6	Requests that Prime Minister be informed that authority to sign Convention reached Sir G. Perley too late to be noted upon, but it is anticipated that an opportunity for signature on behalf of Canada will occur in about two months when the Hungarian Treaty will be ready for signature.	3
8	Foreign Office	Canada	December 9	Transmits copy of letter from the British Peace Delegation stating that Sir G. Perley has decided to wait a later opportunity for signing the Convention in order that the Canadian Government may be in a position definitely to decide their policy.	3

Serial No.	From or to whom	Despatch No., &c.	Date.	Subject.	Page.
1919					
9	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 865	December 11	Transmits copy of text of the Air Navigation Convention as signed at Paris on 13th October.	4
1920					
10	The Governor-General	Canada 98	February 16 (Rec. March 1)	Transmits Privy Council Minute recommending that Sir G. Perley be authorized to sign the Convention subject to the reservations indicated.	4
11	To the Governors-General and Governor	Commonwealth of Australia New Zealand, Union of South Africa, Newfoundland Telegram	April 16	Inquires whether Ministers agree to the ratification of the Convention.	6
12	The Governor-General	Union of South Africa Telegram	April 20 (Rec. April 21)	States that Ministers agree that His Majesty should ratify the Aerial Navigation Convention.	6
13	Ditto ...	New Zealand Telegram	April 30 (Rec. April 30)	Ditto.	6
14	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 179	April 30	Transmits copies of a unanimous report by the Inter-Allied Aeronautical Committee to the Council of Ambassadors on the subject of the adhesion of neutral States to the Air Convention, together with a draft Protocol.	6
15	The Governor ...	Newfoundland Telegram	April 30 (Rec. May 1)	States that Ministers agree to the ratification of the Aerial Navigation Convention.	7
16	The Governor-General	Commonwealth of Australia Telegram	May 3 (Rec. May 3)	Ditto.	7
17	To the Governor-General	Canada Telegram	May 12	Inquires whether Ministers approve Protocol enclosed in No. 14, and agree to its being signed on behalf of Canada.	8
18	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa Telegram	May 12	Sends substance of draft Protocol enclosed in No. 14 for approval of Ministers, and inquires as to signature.	8

Serial No.	From or to whom	Despatch No., &c.	Date.	Subject.	Page.
1920					
19	To the Governor ...	Newfoundland Telegram	May 12	Presumes that Ministers see no objection to Protocol enclosed in No. 14.	9
20	The Governor-General	Union of South Africa Telegram	May 17 (Rec. May 17)	States that Ministers approve Air Convention draft Protocol, and requests that Acting High Commissioner for the Union in London be asked to sign on behalf of the Union.	9
21	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 203	May 19	Transmits copy of [Cmd. 670] containing the text of the Aerial Navigation Convention.	9
22	The Governor-General	New Zealand Telegram	May 25 (Rec. May 28)	States with reference to No. 18 that Government approves draft Protocol and High Commissioner will be authorized to sign on behalf of New Zealand.	9
23	The Governor ...	Newfoundland Telegram	May 28 (Rec. May 29)	States in reply to No. 19 that Ministers have no objection to offer.	10
24	The Governor-General	Commonwealth of Australia Telegram	May 29 (Rec. May 29)	States in reply to No. 18 that Commonwealth Government approves of Protocol and is authorizing the High Commissioner to sign on behalf of Australia.	10
25	Ditto ...	Canada Telegram	May 29 (Rec. May 30)	States that High Commissioner has been instructed to sign Protocol provided that the United States signs also.	10
26	To the Governor-General	Canada 371	June 17	Transmits copy of telegram and despatch from His Majesty's Ambassador at Paris relative to the reservations subject to which the Protocol to the Air Convention was signed on behalf of the United States and of Canada.	10
27	To the Governors-General	Commonwealth of Australia, 227 New Zealand, 109 Union of South Africa 269	June 17	Transmits copy of telegram from His Majesty's Ambassador at Paris and letters from the United States Ambassador to the President of the Ambassadors' Conference relative to the reservations subject to which the Air Convention and Protocol were signed on behalf of the United States.	12
28	To the Governor ...	Newfoundland 57	June 17	Notifies signature of Protocol to the Air Convention on behalf of His Majesty and of Convention and Protocol on behalf of the U.S.A. subject to reservations. Gives list of foreign countries which have acceded to the Protocol.	18

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1920		
29	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 271	July 2	Reports that States named have not signed either the Convention or the Protocol. The Convention was signed on behalf of Japan on the 29th May.	18
30	To the Administrator	Canada 443	July 30	Transmits copy of correspondence with H.M. Ambassador at Paris relative to the ratification of the Convention and of note from French Foreign Office requesting the views of the Canadian Government on the reservations of the U.S. Government.	13
31	To the Governors-General	Commonwealth of Australia 289, New Zealand 144, Union of South Africa 306	July 30	Encloses various documents relating to the Convention, including note from the French Foreign Office requesting views of Ministers as to the reservations of the United States.	17
32	To the Governor ...	Newfoundland 73	July 30	Encloses certain documents relative to the Convention and invites views of Ministers on the reservations of the United States and Canada.	17
33	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions 28 Newfoundland 91	August 21	Notifies the accession of Peru to the Convention and Protocol.	18
34	Ditto ...	Commonwealth of Australia 355, New Zealand 179, Union of South Africa 362, Newfoundland 101	September 1	Transmits communications from Sir G. Perley to M. Millerand setting forth the reservations of the Canadian Government to the Convention.	18

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1920		
35	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 384	September 3	Transmits copy of note from the Secretariat General of the Peace Conference regarding the ratification by the Belgian Government of the Convention.	19
36	The Administrator ...	Canada 570	September 8 (Rec. Sept. 21)	Transmits copy of letter from External Affairs Department setting forth the views of the Government regarding the Canadian and United States reservations, and suggesting that the first meeting of the Commission for International Air Navigation should take place in Canada or the United States.	20
37	The Governor ...	Newfoundland 153	September 16 (Rec. Oct. 4)	States, in reply to No. 32, that Ministers have no observations to offer.	21
38	The Governor-General	New Zealand 166	October 20 (Rec. Dec. 2)	States, in reply to No. 31, that the New Zealand Government are prepared to adopt the decision of His Majesty's Government as to the acceptance or otherwise of the United States reservations.	21
ANTARCTIC.					
Future Control.					
			1920		
39	To the Governors-General	Commonwealth of Australia, New Zealand Secret	February 6	Outlines policy it is proposed to pursue with a view to the ultimate inclusion within the British Empire of the whole of the Antarctic regions; suggests that Australian and New Zealand Governments should exchange views with regard thereto.	22
40	To the Governors-General and Governor	Canada, Union of South Africa, Newfoundland Secret	February 6	Transmits, for information of Ministers, copy of No. 39.	24
41	Admiralty ...	—	March 10	Corrects mistake in statement in No. 39 that D'Urville landed at Anvers Island; suggests with reference to policy in the Antarctic that a claim should not at present be put forward to whole of King George V Land, and that the northern limit of Ross Sea territory should be assimilated to Tasmania and New Zealand.	24
42	The Governor-General	New Zealand Secret	April 23 (Rec. June 30)	States with reference to No. 39 that Sir James Allen has been asked to discuss the question with the Imperial authorities.	25

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
43	To the Governor-General	Commonwealth of Australia Telegram	1920 October 11	Suggests, with reference to No. 39, that Mr. Millen might discuss the matter with His Majesty's Government and New Zealand representative.	26
44	The Governor-General	Commonwealth of Australia Telegram	(Rec. Oct. 22)	Agrees to proposal in No. 43.	25

ARBITRATION AGREEMENTS.

Denmark

45	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 432	October 9	Notifies the intention of His Majesty's Government to renew the Arbitration Agreement with Denmark, which will expire on 4th May, 1921.	26
46	The Governor ...	Newfoundland 194	October 30 (Rec. Nov. 15)	States that his Ministers agree to renewal of Arbitration Agreement with Denmark.	26

United States, France, Italy, Spain.

47	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 140	1919 February 28	Transmits correspondence recording the decision to prolong for a further period of five years the Arbitration Agreement of 27th February, 1904, between the United Kingdom and Spain.	26
48	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 884	May 8	Transmits correspondence recording the decision to prolong for a further period of five years the Arbitration Agreement with Italy of 1st February, 1904, which was renewed in January, 1914.	27
49	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 889	May 16	Transmits copies of [Cmd. 10] containing documents relating to the renewal of the Arbitration Agreements between the United Kingdom and France, Italy, Spain, and the United States of America.	28

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
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Netherlands.

50	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 822	1919 November 19	Inquires whether Ministers agree to the renewal of the Arbitration Convention with the Netherlands, which will expire on 12th July, 1919.	29
51	The Governor-General	Canada 936	1920 December 29, 1919 (Rec. Jan. 7 1920)	Transmits Privy Council Minute concurring in the proposed renewal of the Arbitration Agreement with the Netherlands.	29
52	Ditto ...	Commonwealth of Australia Telegram	January 19 (Rec. Jan. 19)	States that the Commonwealth Government has no objection to the renewal of the Arbitration Convention with the Netherlands.	30
53	Ditto ...	Union of South Africa 940	December 29, 1919 (Rec. Jan. 22, 1920)	Encloses Minute from Ministers agreeing to steps being taken by His Majesty's Government for the renewal of the Arbitration Agreement with the Netherlands.	30
54	The Governor ...	Newfoundland 17	January 29 (Rec. Feb. 26)	States that Ministers agree to the renewal of the Arbitration Convention with the Netherlands.	31
55	The Governor-General	New Zealand 16	January 22 (Rec. Mar. 8)	States that Government concurs in the proposed renewal of the Arbitration Convention with the Netherlands.	31
56	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 334	August 12	Transmits copy of Netherlands Arbitration Convention signed on 1st June, 1920, and states that ratifications were exchanged on 11th July.	31

Norway, Sweden, Portugal, and Switzerland.

57	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 402	1919 May 21	Notifies the intention of His Majesty's Government to renew existing arbitration treaties with Norway, Sweden, Portugal and Switzerland.	32
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Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
59	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	October 7	Inquires whether Ministers see any objection to the renewal of Arbitration Agreements referred to in No. 57.	32
59	The Governor-General	New Zealand Telegram	(Rec. October 8)	States that Ministers see no objection to course proposed in No. 57.	32
60	The Governor ...	Newfoundland Telegram	(Rec. October 10)	Ditto.	33
61	The Governor-General	Union of South Africa Telegram	October 16 (Rec. Oct. 18)	Ditto.	33
62	Ditto ...	Canada Telegram	October 24 (Rec. Oct. 25)	States that Government agrees to the renewal of Arbitration Treaties referred to in No. 57.	33
63	To the Governor-General	Commonwealth of Australia Telegram	November 1	Presumes that Government have no objection to the renewal of Arbitration Treaties referred to in No. 57, and states that arrangements are being made accordingly.	33
64	The Governor-General	Commonwealth of Australia Telegram	November 8 (Rec. Nov. 8)	States that Government have no objection to renewal of Arbitration Treaties referred to in No. 57.	34
65	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 869	December 16	Transmits copy of correspondence with Portuguese Government recording the decision to renew the Anglo-Portuguese Arbitration Agreement.	34
1920					
66	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 14	January 10	Transmits correspondence recording the decision of the Swiss Government not to renew the Anglo-Swiss Arbitration Agreement.	85

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
67	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 77	February 23	Transmits copy of a Parliamentary Paper relating to the renewal of the existing Arbitration Conventions with Norway, Sweden and Portugal.	86
Uruguay.					
1919					
68	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 521	July 4	Transmits copies of [Cmd. 150] containing copy of Arbitration Treaty with Uruguay.	87
ARMENIA.					
1920					
69	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 394	September 11	Transmits copy of Treaty signed on 10th August, 1920.	87
ARMS TRAFFIC CONVENTION.					
1919					
70	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram Extract	August 27	States that general peace settlement will probably include Convention relating to arms traffic, and that it is proposed that this Convention should be entered into in the name of the British Empire, and should be signed by representatives of the Dominions and India.	38
71	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram Extract	August 28	Communicates text of draft Arms Traffic Convention.	38

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
72	To the Governor ...	Newfoundland Telegram Extract	August 26	Communicates text of preamble and Chapter I of latest revision of draft Firearms Convention.	88
73	The Governor-General	New Zealand Telegram	(Rec. Sept. 8)	States that Ministers agree to proposal in No. 70.	89
74	Ditto ...	Canada Telegram Extract	October 15 (Rec. Oct. 16)	States that Government approves of Convention referred to in Nos. 70 and 71, and has authorized Sir G. Perley to sign on behalf of Canada.	99
75	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 784	October 17	Transmits copy of Arms Traffic Convention and Protocol.	39
76	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	October 26	Communicates text of Protocol of Arms Traffic Convention, which was signed on 10th September.	39
77	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 819	November 11	Inquires whether Ministers see any objection to the ratification of the Arms Traffic Convention and Protocol	40
78	The Governor ...	Newfoundland Telegram	November 28 (Rec. Nov. 29)	States that Ministers have no objection to the ratification of the Arms Traffic Convention.	40
79	The Governor-General	Union of South Africa Telegram	December 10 (Rec. Dec. 10)	Ditto.	40
80	Ditto ...	Canada Telegram	December 11 (Rec. Dec. 12)	States that an Order in Council was passed on 9th December authorizing ratification of the Arms Traffic Convention on behalf of Canada.	40
81	Ditto ...	Canada 908	December 16 (Rec. Dec. 29)	Transmits copies of an Order in Council recommending that His Majesty be moved to ratify the Arms Traffic Convention.	41

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
82	The Governor-General	Commonwealth of Australia Telegram	January 6 (Rec. Jan. 6)	States that Government has no objection to ratification of Arms Traffic Convention and Protocol, and that a Proclamation is being issued accordingly.	41
83	Ditto ...	New Zealand Telegram	January 17 (Rec. Jan. 17)	States that Government approves the ratification of the Arms Traffic Convention and Protocol.	42
84	To the Governors-General and Governor.	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	April 9	Reports that for reasons given His Majesty's Government has suggested to Governments of France, Italy, Belgium, and Japan that for the present Arms Convention shall apply only to small-bore arms, ammunition and bombs.	42
85	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	June 15	States with reference to No. 84 that it is now thought best to modify Protocol in manner indicated, and this course has been proposed to Governments of France, Italy, Belgium, and Japan.	42
86	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	August 21	Notifies decision to put into force at once certain modifications in the Protocol to the Arms Traffic Convention.	43
87	To the Governors-General	Extract Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 357	October 9	Submits proposal of Belgian Government that Central International Bureau contemplated under Article 5 of the Arms Traffic Convention should be located in Brussels; states that His Majesty's Government is in favour of proposal, and inquires views of Ministers.	43
88	The Acting Governor-General	Union of South Africa Telegram	October 27 (Rec. Oct. 29)	States that Ministers do not support proposal in No. 87; they consider that the Bureau should be located in Headquarters of League of Nations.	43
89	The Governor-General	Commonwealth of Australia, Telegram	November 3 (Rec. Nov. 3)	States that his Government concur in proposal in No. 87.	44
90	Ditto ...	New Zealand Telegram	December 9 (Rec. Dec. 9)	States, with reference to No. 87, that New Zealand Government will concur in any action which may be decided upon by Imperial Government.	44

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AUSTRIA

(1) Bilateral Treaties. (Revival under Article 241 of the Treaty of Peace.)

1920					
91	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 412	September 24	Transmits copy of despatch to His Majesty's representative at Vienna covering a draft notice to the Austrian Government containing a list of bilateral treaties which it is proposed to revive.	44
92	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 453	October 29	Transmits copy of despatch from His Majesty's representative at Vienna enclosing copy of correspondence with the Austrian Secretary of State for Foreign Affairs relative to the revival of certain bilateral treaties.	45

(2) Treaty of Peace (St. Germain.)

1919					
93	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 786	October 17	Transmits various documents relating to the Treaty of Peace with Austria.	47
94	The Governor-General	Canada, 826 (Extract)	November 18 (Rec. Nov. 27)	Transmits Order in Council recommending that His Majesty be moved to ratify the Treaty of Peace with Austria.	47
95	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	November 27	Inquires whether Ministers concur in proposed ratification of the Treaty of Peace with Austria.	48
96	The Governor-General	Canada Telegram	November 29 (Rec. Nov. 30)	States that Ministers concur in ratification of Austrian Treaty.	48
97	Ditto ...	Union of South Africa Telegram	December 10 (Rec. Dec. 11)	Ditto.	49

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1919					
98	The Governor-General	New Zealand Telegram	December 13 (Rec. Dec. 13)	States that Government concurs in ratification of Treaty with Austria.	49
1920					
99	Ditto ...	Commonwealth of Australia Telegram	January 9 (Rec. Jan. 9)	Ditto.	49
100	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	July 17	States that procha-verbal of deposit of ratifications of Treaty of Peace with Austria was signed on 16th July.	49

BELGIUM

(1) Commercial Arrangements.

1919					
101	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 633	August 11	Transmits copy of correspondence with the Belgian Minister on the subject of Commercial Relations between the British Empire and Belgium; points out that it has been found impossible to extend the benefits of the British preferential tariff to Belgian goods imported into the United Kingdom.	50
102	Ditto ...	Confidential Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 854	December 4	Transmits for information of Ministers copies of correspondence relative to commercial relations between the United Kingdom and Belgium.	55

(2) Modus Vivendi, 1898 (Withdrawal of Queensland.)

1919					
103	The Governor-General	Commonwealth of Australia Telegram	(Rec. Sept. 9)	Refers to withdrawal of Commonwealth from Commercial Treaties, and states that it appears that under Anglo-Belgian Modus Vivendi, 1898, adhered to by Queensland, 1899, Commonwealth must accord British preference or at least most-favoured-nation treatment to Belgian goods entering Queensland. If this is so, desires that immediate notice be given to Belgian Government of withdrawal of Queensland.	61
104	To the Governor-General	Commonwealth of Australia 892	October 29	Transmits copy of a Note to the Belgian Minister for Foreign Affairs giving notice of the withdrawal of Queensland from the Anglo-Belgian Modus Vivendi of 1898.	61

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
105	To the Governor-General	Commonwealth of Australia 419	1919 November 12	Transmits copy of a Note from the Belgian Minister for Foreign Affairs and of an extract from the "Moniteur Belge" relative to the withdrawal of Queensland from the Anglo-Belgian Modus Vivendi of 1898.	62

(3) Neutrality Treaty.

106	Foreign Office	—	1919 December 16	States that a treaty will shortly be drawn up to replace the Belgian Neutrality Treaty of 1839, which will be abrogated; requests views as to whether the new Treaty should be executed in the name of the British Empire and signed by representatives of the Dominion Governments.	63
107	To Foreign Office	—	December 29	Considers that if the new Treaty contains some provision guaranteeing Belgium against foreign aggression the precedent formed by the Anglo-French guarantee Treaty should be followed, in which case the Treaty referred to need be signed only by representatives of His Majesty's Government.	64
108	Foreign Office	—	1920 January 1	States that copy of No. 107 has been forwarded to the Chief British Peace Delegate at Paris; a copy of the Treaty will be forwarded to Colonial Office as soon as it is finally drawn up.	64

BERLIN AND BRUSSELS ACTS REVISION CONVENTION.

109	To the Governors-General	Canada, 536 Commonwealth of Australia, 417 New Zealand 198 Union of South Africa 600	1919 November 11 and 12	Inquires if Ministers have any objection to the ratification of the Berlin and Brussels Acts Revision Convention.	65
110	The Governor-General	Union of South Africa Telegram Extract	December 10 (Rec. Dec. 10)	States that Ministers see no objection to the ratification of the Convention.	65
111	Ditto	Canada Telegram	December 11 (Rec. Dec. 11)	States that an Order in Council was passed on 9th December authorizing on behalf of Canada the ratification of the Berlin and Brussels Acts Revision Convention.	65

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject	Page
112	The Governor-General	Canada 902	1919 December 15 (Rec. Dec. 29)	Transmits copy of an Order in Council recommending that His Majesty be moved to ratify the Berlin and Brussels Acts Revision Convention on behalf of Canada.	66
118	Ditto	New Zealand Telegram	1920 January 17 (Rec. Jan. 17)	States that his Government agrees to the ratification of the Berlin and Brussels Acts Revision Convention.	66
114	To the Governor-General	Commonwealth of Australia Telegram	April 12	Requests concurrence of Ministers in ratification of the Berlin and Brussels Acts Revision Convention.	67
115	Ditto	Commonwealth of Australia Telegram	April 23	Presses for reply to No. 114.	67
116	The Governor-General	Commonwealth of Australia Telegram	May 15 (Rec. May 15)	States that the Government agrees to the ratification of the Berlin and Brussels Acts Revision Convention.	67
117	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 945	August 16	Transmits copy of despatch from His Majesty's Chargé d'Affaires at Paris reporting the deposit of ratification of the Berlin and Brussels Acts Revision Convention.	67

BRITISH POSSESSIONS IN THE PACIFIC.

Proposed consultation with Australia and New Zealand as regards application of Commercial Treaties to—

118	The Governor-General	Commonwealth of Australia Telegram	1920 (Rec. July 13)	States that Government desires to be consulted before any treaties giving right of entry and residence in British possessions in the Pacific are entered into in view of possibility that Powers with aggressive designs may make use of them. Requests list of treaties which extend to various groups.	68
119	To Foreign Office	Confidential	August 18	Transmits copy of No. 118 and asks to be furnished with particulars of treaties applicable to various groups in the Pacific; presumes that adherence to treaties in respect of the Gilbert and Ellice Islands when they were Protectorates applies also as a Colony; observes that the only remaining treaty affecting Tonga appears to be that with France of 1855.	69
120	The Governor-General	Commonwealth of Australia Secret	July 13 (Rec. Aug. 31)	Amplifies No. 118.	69

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
			1920		
121	Foreign Office	—	September 9	Transmits memo. by Mr. G. J. Stanley containing information requested in No. 119.	70
122	To Foreign Office	—	September 25	Points out that the memo. in No. 121 is out of date, and requests that a detailed memo. be prepared in the Foreign Office on the lines indicated in No. 119.	70
123	The Administrator	New Zealand Secret (8)	September 1 (Rec. Nov. 1)	States that his Government are fully in accord with the representations of the Commonwealth Government, and desire to make a request similar to that in No. 120.	71
124	To Foreign Office	—	November 16	Transmits copy of No. 123.	72

BULGARIA.

Treaty of Peace (Neuilly.)

			1920		
125	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 42	January 26	Transmits copy of the Treaty of Peace with Bulgaria and of the Emigration Convention between Greece and Bulgaria.	72
126	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	February 14	States that Bulgarian Government have notified their readiness to ratify the Treaty of Peace, and inquires whether Ministers agree to ratification by His Majesty.	73
127	The Governor-General	Canada, Telegram	February 19 (Rec. Feb. 20)	States that Ministers inquire whether ratification can be delayed to allow of submission to Canadian Parliament; they think action of Parliament can be completed at an early date.	73
128	Ditto ...	New Zealand Telegram	February 21 (Rec. Feb. 21)	States that Government agrees to ratification of the Treaty of Peace with Bulgaria.	73
129	Ditto ...	Union of South Africa Telegram	February 18 (Rec. Feb. 23)	States, with reference to No. 126, that Ministers agree to ratification by His Majesty.	73
130	Ditto ...	Commonwealth of Australia, Telegram	February 27 (Rec. Feb. 27)	States, in reply to No. 126, that Government agrees to ratification by His Majesty.	74
131	To the Governor-General	Canada Telegram	February 28	States, in reply to No. 127, that ratification can be delayed pending submission of Treaty to Canadian Parliament.	74

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
			1920		
132	To the Governor-General	Canada Telegram	March 24	States, with reference to No. 127, that it will probably be sufficient if action can be completed as soon as possible after Easter.	74
133	The Administrator ...	Canada Telegram	April 10 (Rec. April 11)	Quotes Minute of Council asking that His Majesty be moved to approve, accept, confirm and ratify the Treaty of Peace in respect of Canada.	74

CENTRAL EUROPEAN FRONTIERS TREATY.

			1920		
134	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 390	September 11	Transmits copy of the Central European Frontiers Treaty.	75
135	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 462	November 9	Notifies adhesion of the Roumanian Government to the Central European Frontiers Treaty on 26th October, 1920.	75
136	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	December 1	States that it is proposed that ratification of Central European Frontiers Treaty and Hungarian and Bessarabian Treaties should take place simultaneously; inquires whether Ministers agree to ratification.	75
137	The Governor-General	Union of South Africa Telegram	December 4 (Rec. Dec. 5)	States that Ministers agree to ratification of Central European Frontiers Treaty.	76
138	Ditto ...	Canada Telegram	December 6 (Rec. Dec. 6)	States that his Government has no objection to simultaneous ratification of the Central European Frontiers Treaty with the Hungarian and Bessarabian Treaties.	76
139	Ditto ...	New Zealand Telegram	December 7 (Rec. Dec. 7)	States that his Government agrees to ratification of the Central European Frontiers Treaty.	76
140	Ditto ...	Commonwealth of Australia Telegram	December 8 (Rec. Dec. 8)	Ditto.	76

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
COASTING TRADE.					
Inclusion in Commercial Treaties.					
1917					
141	Foreign Office	Canada	June 1	Transmits copy of a Note received from the Swedish Minister on the subject of an agreement between Canada and Sweden respecting coasting vessels.	77
142	To the Governor-General	Canada 298	June 8	Transmits for Ministers' observations copy of Enclosure in No. 141.	77
143	The Governor-General	Canada 586	July 11 (Rec. July 27)	States that the Government holds that there are no treaties binding on Canada which entitle Swedish vessels to participate in Canadian coasting trade.	78
144	To Foreign Office	Canada	August 7	Transmits with observations copy of No. 143.	78
145	Foreign Office	Canada	August 14	Considers that the proposal in No. 144 merely to inform the Swedish Government that Sweden possesses no treaty rights in the matter will hardly be a sufficient reply to the Swedish Minister's Note of 30th May, and suggests the answer that should be made.	79
146	To Foreign Office	Canada	August 30	Asks for copies of the diplomatic correspondence relating to the Agreement of 1875, referred to in No. 145; considers, for the reason stated, that it would not seem that the action of the Canadian Government amounts to a termination of the Agreement, since the Agreement would again become operative as soon as the Canadian Government is again ready to reciprocate.	79
147	Foreign Office	Canada	December 24	Transmits copy of correspondence between His Majesty's Government and the Swedish Government in 1874-5 regarding the admission of Swedish vessels to the Canadian coasting trade and copy of letter to the Board of Trade respecting the inconsistency between the argument advanced by His Majesty's Government to the Swedish Government in regard to the Kogrud Passage and the view held by the Foreign Office and Colonial Office.	80
1918					
148	Ditto ...	Canada	July 25	Transmits copy of letter from Board of Trade maintaining that Sweden is not entitled to share in Canadian coasting trade, but that this view is not inconsistent with contention that Article IX of the Anglo-Swedish Treaty of 1826 gives Sweden most-favoured-nation rights in United Kingdom coasting trade, and conversely gives United Kingdom ships rights in the coasting trade of Sweden.	84

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
149	To Foreign Office	Canada	1918 August 15	Discusses Article IX of the Anglo-Swedish Treaty as regards ships registered (a) in the United Kingdom, (b) in the overseas Dominions.	85
CZECHO-SLOVAKIA.					
(1). Proposed Commercial Treaty.					
1919					
150	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 653	August 16	Transmits, to be laid before Ministers, copy of despatch from the British Delegation at Paris enclosing draft of a Commercial Treaty with Czecho-Slovakia.	86
(2). Treaty of 1919.					
1919					
151	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 785	October 17	Transmits copy of Treaty with Czecho-Slovakia, which was signed on 10th September, 1919.	87
152	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram (Extract)	November 27	Inquires whether Ministers concur in proposed ratification of Czecho-Slovak Treaty.	87
153	The Governor-General	Canada Telegram	November 29 (Rec. Nov. 30)	States that Ministers concur in ratification of Czecho-Slovak Treaty.	87
154	Ditto ...	Union of South Africa Telegram	December 10 (Rec. Dec. 11)	Ditto.	88
155	Ditto ...	New Zealand Telegram	December 18 (Rec. Dec. 18)	Ditto.	88
1920					
156	Ditto ...	Commonwealth of Australia Telegram	January 9 (Rec. Jan. 9)	Ditto.	88

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DANZIG.

1920					
157	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	November 5	States that Polish-Danzig Treaty is nearly ready, and signature on behalf of Dominion Governments to formal Act constituting Free City of Danzig will be necessary. Inquires whether Ministers agree to signature on their behalf.	88
158	The Governor-General	New Zealand Telegram	November 10 (Rec. Nov. 10)	States that his Government agrees that His Majesty's Ambassador at Paris should sign on behalf of New Zealand.	89
159	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Dominions Treaty 46 Confidential Telegram	November 10	Transmits copy of despatch from His Majesty's Ambassador at Paris enclosing draft of Polish-Danzig Treaty as agreed by the Committee appointed to consider the question.	89
160	The Acting Governor-General	Union of South Africa Telegram	November 10 (Rec. Nov. 12)	States that Ministers have no objection to signing of formal Act, and they ask that His Majesty's Ambassador at Paris should sign on behalf of the Union.	89
161	The Governor-General	Commonwealth of Australia Telegram	November 13 (Rec. Nov. 13)	States that Commonwealth Government agrees to signature of the Act.	89
162	Ditto ...	Canada Telegram	November 13 (Rec. Nov. 13)	States that Sir G. Perley will sign on behalf of Canada.	90
163	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	November 26	States, with reference to No. 157, that it was ultimately decided that declaration signed by members of Ambassadors' Conference at Paris would be sufficient, and that signature on behalf of Dominions would not be necessary; the Declaration was signed and took effect on 15th November.	90

ENEMY DEBTS.

Agreements with Allied and Associated Powers under Article 296 (f) of Treaty of Peace with Germany.

1920					
164	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Newfoundland Telegram	December 7	Sends text of proposed Enemy Debts Agreement with Belgium.	90

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1920					
165	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Newfoundland Telegram	December 7	Inquires whether Dominions desire to be included in Article I of Enemy Debts Agreement with Belgium, and whether arrangements shall be made on their behalf respecting similar agreements with France and Italy.	91
166	The Governor-General	Commonwealth of Australia Telegram	December 31 (Rec. Dec. 31)	States with reference to No. 165 that the Commonwealth does not wish to be included in Article I of the enemy debts agreement with Belgium.	91
167	The Governor	Newfoundland Telegram	December 31 (Rec. Dec. 31)	States, in reply to No. 165, that Ministers see no necessity for the inclusion of Newfoundland in Article I.	91

ESTHONIA.

Agreement respecting Commercial Relations.

1920					
168	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 310	July 31	Transmits copy of Notes exchanged with the Estonian Legation regarding the conclusion of a commercial agreement with Estonia.	92
169	The Acting Governor-General	Union of South Africa 678	September 24 (Rec. Oct. 19)	Transmits Minute from Ministers stating that the trade of the Union with Estonia is negligible, and it is not recommended that the Union should notify its adherence to the Estonian Commercial Agreement.	93
170	The Governor-General	Commonwealth of Australia 369	October 18 (Rec. Nov. 24)	States that the Commonwealth Government does not desire notice of accession to the Commercial Agreement with Estonia to be given on its behalf.	94
171	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 512	December 21	Transmits amended copies of notes exchanged with the Estonian Legation as to the Commercial Agreement.	94

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FINLAND.

(1). Extradition Treaty.

1920					
172	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 397	September 13	Transmits copy of a Note to the Finnish Minister submitting the draft of an Extradition Treaty with Finland, and asks that Ministers' attention be drawn to Article 17 of the draft Treaty.	95
179	The Governor-General	Confidential Union of South Africa Confidential	November 30 Rec. Dec. 21)	Transmits Ministers' Minute requesting to be informed when draft Extradition Treaty with Finland is completed, and referring to the question of the application of Extradition Treaties in future to the territories administered by the self-governing Dominions under mandates in pursuance of the provisions of the Treaty of Versailles.	95

(2). Position in relation to Anglo-Russian Treaties.

1920					
174	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 521	December 29	Transmits copy of a despatch to His Majesty's Minister at Helsingfors stating the intentions of His Majesty's Government with regard to the several Anglo-Russian treaties applicable to Finland.	96

FRANCE.

(1). Anglo-French Defence Treaty.

1919					
175	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 540	July 7	Transmits copy of [Cmd. 221] containing the text of the Treaty, and Bill 122 approving the Treaty. Calls attention to Article IV.	98
176	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 736	September 13	Transmits copies of the Anglo-French Treaty (Defence of France) Act, 1919.	98

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1919					
177	The Governor-General	Commonwealth of Australia, Telegram	(Rec. Oct. 3)	States that both Houses of Parliament have approved Anglo-French (Defence of France) Treaty.	99
178	To the Governors-General	Canada, New Zealand, Union of South Africa Telegram	October 4	States that Commonwealth Parliament has approved Anglo-French Treaty.	99
179	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	December 4	States that British and French ratifications of Anglo-French Treaty were exchanged on 20th November.	99
1920					
180	To the Governor-General	Commonwealth of Australia 179	May 6	States with reference to No. 177 that it was considered inadvisable to notify the French Government of the Commonwealth's approval of the Treaty pending the decision of the other Dominion Governments.	99

(2). Commercial relations with Canada.

1920					
181	The Governor-General	Canada Telegram	March 4 (Rec. Mar. 4)	States that Canadian Government desire notice to be given for the termination of the Franco-Canadian Commercial Conventions of 1907 and 1909 and of intention to terminate them three months after notification.	100
182	To the Acting Governor-General	Canada 209	March 30	Transmits copy of despatch to His Majesty's Ambassador at Paris regarding the termination of the Franco-Canadian Commercial Conventions of 1907 and 1909, and of the notification made by Lord Derby to the French Government.	100
183	Ditto ...	Canada 236	April 17	Transmits copy of note from French Foreign Office acknowledging the notification of the decision of the Canadian Government to terminate the Franco-Canadian Commercial Conventions of 1907 and 1909.	101
184	To the Governor-General	Canada Telegram	June 12	States that French Government are anxious that there should be no serious disturbance of economic relations between France and Canada, and desire that clauses of the Convention should be continued to be applied by tacit understanding until signature of new arrangement for conclusion of which French Government are ready to enter into negotiations at once.	102

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1920		
185	The Governor-General	Canada Telegram	July 6 (Rec. July 7)	Conveys for communication to French Government proposal respecting tariff reciprocity.	102
186	To the Governor-General	Canada 421	July 16	States that His Majesty's Ambassador at Paris has been instructed to communicate to the French Government the proposal conveyed in No. 185.	103
187	The Governor-General	Canada 470	July 13 (Rec. July 23)	Transmits Privy Council Minute stating that the Canadian Government is prepared to admit French products to the intermediate tariff in return for the French Government's extension of tariff rates under the old treaty pending negotiation of new treaty.	103
188	To the Governor-General	Canada 603	October 5	Transmits with reference to No. 187 copy of a note from the French Ministry of Foreign Affairs indicating the nature of tariff concessions the French Government is prepared to accord to Canada.	104

GERMANY.

(1) Bilateral Treaties. (Revival under Article 289 of the Treaty of Peace.)

			1920		
189	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 252	June 22	Transmits, to be laid before Ministers, copy of despatch to His Majesty's Ambassador at Berlin forwarding the draft of a notice to the German Government giving a list of bilateral treaties with Germany which it has been decided to revive.	105
190	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 320	August 5	Transmits, for information of Ministers, copy of <i>London Gazette</i> notice relative to the renewal of certain pre-War treaties with Germany.	105
191	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 356	August 21	Transmits copy of despatch from His Majesty's Chargé d'Affaires at Berlin enclosing copies of notice to the German Government giving list of bilateral treaties with Germany to be revived, and of the German Government's acknowledgment.	106

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1920		
192	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 511	December 20	Transmits copy of correspondence with His Majesty's Ambassador at Berlin relative to the revival of certain bilateral treaties.	107

(2). Treaty of Peace (Versailles.)

			1919		
193	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa Telegram	May 7	Indicates arrangements made for publication of Peace Treaty.	109
194	To the Governor-General and Governor	Canada, Newfoundland Telegram	May 7	Ditto.	109
195	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 366	May 10	Transmits print giving the general scheme of the Treaty of Peace.	109
196	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	June 23	States that Germans have agreed to sign the Peace Treaty unconditionally.	110
197	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	June 27	Conveys message from His Majesty the King to be published as soon as the Peace Treaty has been signed.	110

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1919					
198	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	June 28	Notifies signature of Peace Treaty.	110
199	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	July 1	Communicates text of Peace Proclamation	111
200	The Governor-General	Canada Telegram Secret	July 9 (Rec. July 10)	Communicates message from Prime Minister stating that he is pledged to submit Treaty to Parliament before assenting to ratification on behalf of Canada.	111
201	To the Governor-General	Canada Telegram	July 22	Conveys message to Prime Minister in reply to No. 200, and emphasizes importance of early ratification, but agrees to delay to allow of submission to Canadian Parliament.	112
202	To the Governors-General	Union of South Africa, Commonwealth of Australia Telegram	July 23	Communicates message for Prime Ministers of the Union and Commonwealth requesting them to submit Peace Treaty to Parliament for ratification without delay.	112
203	To the Governor of Fiji	New Zealand Telegram	July 23	Communicates message for Prime Minister of New Zealand requesting him to expedite the submission of the Peace Treaty to Parliament for ratification.	113
204	The Governor-General	Canada Telegram Secret	July 30 (Rec. July 31)	Conveys message from Prime Minister proposing to call a special session of Parliament on the 4th September for the purpose of presenting the Treaty and expressing confidence that Government will be in a position to ratify within a week from that date.	113
205	Ditto ...	Canada Telegram	August 1 (Rec. Aug. 2)	Conveys message from Prime Minister requesting an immediate reply to No. 204, as 30 days' notice of summoning of Parliament must be given.	113
206	To the Governor-General	Canada Telegram	Aug. 2	Strongly advises, in reply to Nos. 204 and 205, that immediate notice to summon Parliament be given, and states that efforts will be made to keep back ratification of Treaty until 11th September.	114

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
207	The Governor-General	Canada Telegram	August 4 (Rec. Aug. 5)	States that Parliament has been summoned for 1st September.	114
208	Mr. Hughes	Commonwealth of Australia Telegram	(Rec. Aug. 6)	Proposes to lay Treaty of Peace before Parliament for ratification.	114
209	The Governor-General	Union of South Africa Telegram	August 6 (Rec. Aug. 7)	Expresses view of Ministers that Treaty should be submitted to Parliament for approval; states that they are prepared to call Parliament before the end of August for this purpose, and invites suggestion as to form approval should take.	114
210	To the Governor-General	Commonwealth of Australia Telegram	August 7	Communicates No. 208 and inquires on what date the assent of Parliament to ratification may be expected.	115
211	Ditto ...	Union of South Africa Telegram	August 7	Suggests in reply to No. 209 that approval of Treaty be obtained by joint resolution of Parliament.	115
212	The Governor-General	Union of South Africa Telegram	August 11 (Rec. Aug. 12)	States that Union Parliament has been summoned to meet on 8th September.	115
213	To the Governors-General	Commonwealth of Australia, Canada Telegram	August 12	Communicates purport of Nos. 209 and 211, and presumes that if procedure by joint Resolution is adopted there will be no objection to ratification by His Majesty on receipt of cable to the effect that such Resolution has been passed.	116
214	To the Governor-General	Union of South Africa Telegram	August 12	Expresses the hope that approval of ratification will be obtained by joint Resolution in order to avoid delay while Parliamentary powers to execute Treaty are being obtained.	116
215	Ditto ...	New Zealand Telegram	August 12	Asks when date of assent of New Zealand Parliament to ratification of Peace Treaty may be expected, and explains reasons for urgency.	117
216	The Governor-General	Union of South Africa Telegram	August 14 (Rec. Aug. 15)	States in reply to No. 214 that Ministers are doubtful whether it would be good policy to submit a Resolution instead of proceeding by way of a Bill.	117
217	Ditto ...	Commonwealth of Australia Telegram	(Rec. Aug. 18)	States that Parliament is being summoned on 10th September for special consideration of Peace Treaty; it may be possible to indicate later the time required for its passage through both Houses.	118
218	Ditto ...	Commonwealth of Australia Telegram	(Rec. Aug. 18)	States, with reference to No. 213, that Government consider that Resolution is preferable course, but Prime Minister will be consulted at earliest opportunity, and final decision communicated.	118

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
219	The Governor-General	New Zealand Telegram	(Rec. Aug. 22)	States, in reply to No. 215, that Prime Minister will submit Treaty to Parliament by Resolution, and that he expects to be able to do so on 2nd September.	118
220	Ditto ...	Canada Telegram	August 23 (Rec. Aug. 23)	States, in reply to No. 213, that Government propose to proceed by way of Resolution of both Houses in order that matter may be expedited; legislation giving effect to Treaty will be introduced later.	118
221	To the Governor-General	Commonwealth of Australia, Union of South Africa Telegram	August 26	States, with reference to Nos. 216 and 217, that Canada and New Zealand will proceed by way of Resolution, and introduce legislation later.	119
222	The Governor-General	Union of South Africa Telegram	August 31 (Rec. Aug. 31)	States that in view of No. 221 Cabinet decided, subsequent to General Botha's death, to proceed by way of Resolution, introducing later legislation giving effect to the Treaty; it is expected that the Resolution will be adopted by middle of next week.	119
223	To the Governor-General	Commonwealth of Australia Telegram	September 1	States, with reference to No. 221, that the Union of South Africa also will proceed by way of Resolution.	119
224	The Governor-General	New Zealand Telegram	September 3 (Rec. Sept. 3)	States that the House of Representatives and Legislative Council passed on 2nd September Resolutions assenting to ratification of the Peace Treaty.	119
225	To the Governor-General	Commonwealth of Australia Telegram	September 6	Inquires when Australian approval of ratification may be expected.	120
226	The Governor-General	Commonwealth of Australia Telegram	September 9 (Rec. Sept. 9)	States, in reply to No. 225, that Commonwealth is proceeding by way of Resolution to be moved on 10th September, and ratification is probable within a fortnight.	120
227	Ditto ...	Union of South Africa Telegram	September 10 (Rec. Sept. 10)	Reports adoption by House of Assembly of ratification Resolution and its transmission to the Senate for concurrence.	120
228	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions Telegram	September 10	Transmits copies of the Treaty of Peace Act, 1919.	120
229	The Governor-General	Canada Telegram	September 12 (Rec. Sept. 12)	Quotes Order in Council approving ratification of Peace Treaty.	121

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
230	The Governor-General	Union of South Africa Telegram	September 13 (Rec. Sept. 13)	Quotes Resolution of both Houses of Parliament approving ratification of Peace Treaty.	121
231	Ditto ...	Union of South Africa Telegram	September 13 (Rec. Sept. 13)	Reports adoption of Resolution by the Senate.	122
232	To the Governor-General	Commonwealth of Australia Telegram	September 30	Inquires, with reference to No. 226, when approval of Commonwealth Parliament may be expected.	122
233	The Governor-General	Commonwealth of Australia Telegram	(Rec. Oct. 3)	Reports approval of Peace Treaty by both Houses of Parliament.	122
234	To the Governor-General	Commonwealth of Australia Telegram	October 4	Expresses satisfaction at the news that the Commonwealth Parliament has approved the Peace Treaty.	122
235	To the Governors-General	Canada, New Zealand, Union of South Africa Telegram	October 4	Reports approval by Commonwealth Parliament of Treaty of Peace.	123
236	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	October 11	Reports signature by His Majesty of general instrument of ratification in respect of Treaty with Germany, Rhine Territories Agreement, and Treaty concerning Poland.	123
237	The Governor-General	Union of South Africa Telegram 764	September 20 (Rec. Oct. 13)	Transmits copy of Ministers' Minute forwarding a joint Address to His Majesty from both Houses of Parliament as to the ratification of the Treaty between the Allies and Germany.	123
238	To the Governor-General	Union of South Africa Telegram 596	November 10	States that the Address enclosed in No. 237 has been laid before His Majesty, who has commanded that an expression of his thanks may be conveyed to both Houses of Parliament.	125
239	The Governor-General	Canada Telegram	December 10 (Rec. Dec. 10)	States that Prime Minister is most desirous to know a few days in advance exact date of deposit of ratification by three Allied Powers, and whether Proclamation of Peace will issue at that date, and, if not, at what later date.	125
1920					
240	To the Governor-General	Canada Telegram	January 3	States, in reply to No. 239, that deposit of ratifications is expected within the next few days, and date of Proclamation will be notified as soon as possible.	125

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
241	To the Governors-General and Governor	Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	January 3	States that deposit of ratifications of Treaty with Germany is expected within the next few days.	125
242	The Governor-General	Union of South Africa Telegram	January 7 (Rec. Jan. 7)	Quotes proclamation which Ministers desire to issue immediately ratification of Peace Treaty is intimated. The date in January on which the first procès-verbal was drawn up in Paris to be regarded as the date of termination of the War.	126
243	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	January 10	Reports that procès-verbal of deposit of ratifications will be signed at 4 o'clock on 10th January.	126
244	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	January 10	Reports that procès-verbal has now been signed.	126
245	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Newfoundland Telegram	January 13	States that it is not proposed to issue a further proclamation regarding the Peace Treaty nor is it intended at present to issue an Order in Council under the Termination of War (Definition) Act, 1918.	127
246	To the Governor-General	Union of South Africa Telegram	January 13	States that, in circumstances represented in No. 242, His Majesty's Government acquiesces in action proposed.	127
247	The Governor ...	Newfoundland 9	January 14 (Rec. Jan. 23)	Expresses Prime Minister's gratification at the news of the signing of the Peace Treaty; observes that it will become necessary to issue a Proclamation declaring that War no longer exists, but concludes that no action should be taken pending instructions from His Majesty's Government.	127

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
248	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	February 11	States that Order in Council has been issued fixing 10th January as date of termination of War.	128
249	The Governor-General	Union of South Africa 60 (Extract)	February 4 (Rec. Mar. 5)	Transmits copies of Proclamation relative to the date of the coming into force of the Treaty of Peace.	128

GREECE.

(1). Commercial Arrangements.

1919					
250	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 92	February 12	Transmits, for information of Ministers, copies of correspondence with the Greek Minister relative to the denunciation of commercial convention between the United Kingdom and Greece.	129
251	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 229	March 26	Transmits, with observations, notification of denunciation by Greek Government of existing commercial conventions affecting the British Empire.	131
252	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 516	June 28	Transmits copy of Note to the Greek Minister and copies of an extract from the <i>London Gazette</i> of the 17th June regarding the denunciation by the Greek Government of existing commercial treaties.	132
253	The Governor-General	Union of South Africa 629	July 26 (Rec. Aug. 30)	Transmits copy of a Minute from Ministers stating that trade relations between the Union and Greece at the present time are of practically no importance.	133

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
254	The Governor-General	New Zealand 145	August 19 (Rec. Oct. 18)	States, with reference to No. 251, that his Government do not desire to make any observations on the matter, and are prepared to acquiesce in any action which may be taken by His Majesty's Government.	134

(2). Treaty of 10th August, 1920.

1920					
255	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominion 895	September 11	Transmits copy of Treaty with Greece signed on 10th August, 1920.	134

(3). Treaty of 10th August, 1920 (Thrace.)

1920					
256	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 398	September 11	Transmits copy of Treaty with Greece regarding Thrace.	135

HUNGARY.

Treaty of Peace (Trianon.)

1920					
257	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 304	July 28	Transmits copy of the Treaty of Peace between the Allied and Associated Powers and Hungary. Protocol and Declaration.	135
258	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	November 18	States that the Treaty has been ratified by the Hungarian National Assembly; inquires whether Ministers agree to ratification by His Majesty.	135

1920					
259	The Governor-General	Commonwealth of Australia Telegram	November 20 (Rec. Nov. 20)	States that Commonwealth Government agrees to ratification of Hungarian Treaty.	136
260	Ditto ...	New Zealand Telegram	November 20 (Rec. Nov. 24)	States that his Government approves ratification of Hungarian Treaty.	136
261	Ditto ...	Union of South Africa Telegram	November 28 (Rec. Nov. 25)	States that Ministers agree to ratification of the Hungarian Treaty.	136
262	Ditto ...	Canada Telegram	December 3 (Rec. Dec. 4)	States that his Government has no objection to ratification of Hungarian Treaty by His Majesty.	136

INTERNATIONAL SANITARY CONVENTION, 1912.

1920					
263	To the Governors-General and Governor	Canada, 706 Commonwealth of Australia 507, New Zealand 258, Union of South Africa 476, Newfoundland 151	November 30	Transmits copy of correspondence with His Majesty's Ambassador at Paris relative to the International Sanitary Convention, 1912, and copy of the procès-verbal of the deposit of ratification and inquires as to views of Ministers.	137

JAPAN.

Anglo-Japanese Alliance

1920					
264	The Governor-General	Commonwealth of Australia Telegram Secret	(Rec. April 21)	States that the Commonwealth Government asks to be kept fully informed of any action taken with regard to the modification, termination or extension of the Anglo-Japanese alliance.	138
265	To the Governor-General	Commonwealth of Australia Telegram	May 3	States that no negotiations have yet taken place with the Japanese Government, and that Commonwealth Prime Minister will be kept informed of any steps taken.	139
266	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 197 Secret	May 10	Transmits copies of documents regarding the Anglo-Japanese Alliance.	139

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1920					
267	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram Secret	June 24	Communicates, with observations, text of declaration which it is proposed by the Japanese Government and His Majesty's Government to address to the League of Nations respecting the renewal of the Anglo-Japanese Alliance.	139
268	The Governor-General	Canada Telegram Secret	June 29 (Rec. June 29)	States that Canadian Government sees no objection to the course of action proposed in No. 267.	140
269	Ditto ...	Union of South Africa Telegram	June 30 (Rec. July 1)	Requests further information respecting No. 267.	140
270	To the Governor-General	Union of South Africa Telegram	July 1	Gives information requested in No. 269.	140
271	The Governor-General	Union of South Africa Telegram	July 6 (Rec. July 6)	States that terms of proposed Declaration are in accordance with views of Prime Minister.	141
272	Ditto ...	Commonwealth of Australia Telegram	(Rec. Aug. 10)	States that statement of views of Commonwealth Government is postponed pending meeting of assembly of League of Nations in November.	141
273	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 369	August 23	Transmits copy of letter from Foreign Office to League of Nations covering a joint communication from the Governments of Great Britain and Japan as to the Anglo-Japanese Agreement of 1911.	141
274	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Secret	September 3	Transmits copies of despatches from Sir C. Eliot, Tokyo, regarding the renewal of the Anglo-Japanese Alliance of 1911.	142
275	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 410 Secret	September 23	Transmits copy of an interpellation and reply in the Japanese Diet relative to the Anglo-Japanese Alliance.	142

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1920					
276	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 451 Secret	October 29	Transmits copy of memo. by Sir B. Alston containing suggestions for an Anglo-Saxon policy for the Far East and of a letter from Peking forwarding translation of an open letter to Sir B. Alston which appeared in a Peking newspaper on the subject of the renewal of the Anglo-Japanese Alliance.	143

LEAGUE OF NATIONS.

Registration of Treaties.

1919					
277	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 773 Confidential	October 8	Transmits copies of correspondence relating to the interpretation of Article XVIII of the Treaty of Peace with Germany.	143

LIQUOR TRAFFIC CONVENTION.

1919					
278	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram (Extract)	August 27	Indicates scope of proposed Liquor Traffic Convention and states that it is proposed that this Convention, as part of general peace settlement, shall be entered into in name of British Empire and be signed by representatives of Dominions and India.	145
279	To the Governor-General	Union of South Africa Telegram (Extract)	August 28	Quotes text of draft Convention.	145
280	The Governor-General	New Zealand Telegram	(Rec. Sept. 6)	States that Ministers agree to proposal in No. 278.	146
281	Ditto ...	Canada Telegram (extract)	October 15 (Rec. Oct. 16)	States that Government approves of Convention and has authorized Sir George Perley to sign on behalf of Canada.	146
282	To the Governor-General	Union of South Africa Telegram	October 23	Communicates text of Protocol to Liquor Traffic Convention.	146

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
283	To the Governors-General	Canada 589 Commonwealth of Australia, 416 New Zealand, 197 Union of South Africa 589	November 12	Inquires whether Ministers see any objection to the ratification of the African Liquor Traffic Convention.	146
284	The Governor-General	Union of South Africa Telegram (Extract)	December 10 (Rec. Dec. 10)	States that Ministers see no objection to the ratification of the Convention.	147
285	Ditto ...	Canada Telegram	December 11 (Rec. Dec. 11)	States that an Order in Council was passed on 9th December authorizing the ratification of the Liquor Traffic Convention on behalf of Canada.	147
1920					
286	Ditto ...	New Zealand Telegram	January 17 (Rec. Jan. 17)	States that Ministers see no objection to the ratification of the Liquor Traffic Convention.	147
287	Ditto ...	Commonwealth of Australia Telegram	February 28 (Rec. Feb. 28)	Ditto.	147
288	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 886	August 12	Transmits copy of a despatch from His Majesty's Ambassador at Paris notifying the deposit of Instruments of Ratification relative to the Liquor Traffic Convention by His Majesty's Government and the Government of Belgium.	148

MINOR TREATIES ARISING OUT OF THE PEACE SETTLEMENT.

Signature on behalf of Dominions.

1920					
289	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	July 6	Suggests that His Majesty's Ambassador at Paris should be authorized to sign minor treaties, etc., arising out of the peace settlement on behalf of Dominion Governments. Invites views of Ministers.	148
290	The Governor-General	Canada Telegram Secret	July 7 (Rec. July 8)	States, in reply to No. 289, that an Order in Council will be passed authorizing Sir G. Perley, and in his absence His Majesty's Ambassador at Paris, to sign on behalf of Canada.	149

1920					
291	The Governor-General	Union of South Africa Telegram	July 10 (Rec. July 11)	States that Ministers have no objection to proposal in No. 289.	149
292	The Administrator ...	New Zealand Telegram	July 15 (Rec. July 15)	States that Ministers would be glad if His Majesty's Ambassador at Paris would sign on behalf of New Zealand all minor treaties in connexion with the peace settlement.	149
293	The Governor-General	Commonwealth of Australia Telegram	July 20 (Rec. July 20)	States the desire of the Government that all minor treaties be signed by the High Commissioner on behalf of Australia, and that matters of importance be referred previously to Commonwealth Government.	150

MOROCCO.

1919					
294	Foreign Office ...	—	January 7	Suggests that the most opportune time at which to raise the question of the right of the self-governing Dominions to withdraw from the Anglo-Morocco Commercial Convention of 1856 will be when His Majesty's Government and French Government come to discuss the instrument which is to take the place of that Convention.	150
295	To Foreign Office ...	—	February 12	States, in reply to No. 294, that in circumstances indicated Lord Milner must press the suggestion made in the Colonial Office letter of the 21st December, 1918, as to an Addition to Article VI of the draft Convention with France respecting Egypt and Morocco.	150
296	Foreign Office to Mr. Balfour	2783 (Extract)	May 6	Considers that a satisfactory arrangement could be effected at Paris in consultation with Colonial Office representatives on British Delegation respecting the position of the Dominions under the Anglo-Moroccan Treaty of 1856.	151
297	To Foreign Office ...	—	May 21	Sends observations as to the position of the self-governing Dominions under the Anglo-Moroccan Commercial Treaty of 1856.	151

PEACE COMMISSION TREATIES.

Peru, Chile, Brazil and Bolivia.

1919					
298	The Governor-General	Canada 1075	December 31, 1918 (Rec. Jan. 15 1919)	Transmits Minute from the Privy Council stating that there is no objection on the part of the Canadian Government to the conclusion of the Peace Treaties with Peru and Chile.	152
299	Ditto ...	Commonwealth of Australia Telegram	(Rec. Feb. 4)	Reports that Government concur in ratification and signature of Peace Commission Treaties with Peru and Chile.	152

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
300	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 81	February 5	Transmits copy of correspondence between His Majesty's Minister at Rio de Janeiro and the Secretary of State for Foreign Affairs regarding the proposed Anglo-Brazilian Peace Treaty, and requests concurrence of Ministers in ratification of this Treaty.	158
301	The Governor	Confidential Newfoundland Confidential (2)	January 28 (Rec. Feb. 28)	States that the provisions of the draft Peace Commission Treaty between United Kingdom and Brazil have been seen and noted by Ministers.	155
302	Ditto ...	Newfoundland Confidential	March 4 (Rec. Mar. 18)	States that Ministers concur in the ratification of the Peace Commission Treaty between United Kingdom and Brazil.	156
303	The Governor-General	Canada Confidential	March 10 (Rec. Mar. 24)	Ditto.	156
304	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 223	March 24	Transmits copies of communications to His Majesty's Minister at Santiago authorizing him to sign Peace Commission Treaty between United Kingdom and Chile.	156
305	Ditto ...	Confidential Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 268	April 9	Reports that the Peace Commission Treaty between the United Kingdom and Chile was signed on 28th March, 1919.	157
306	The Governor-General	Union of South Africa, Newfoundland Dominions 237	April 14 (Rec. May 19)	Transmits copy of a Minute from Ministers concurring in the ratification of the Peace Commission Treaty with Brazil.	157
307	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 424	May 28	Transmits despatch from His Majesty's Minister at Rio de Janeiro recording the signature of the Peace Commission Treaty between United Kingdom and Brazil on 4th April.	158

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
308	The Governor-General	Commonwealth of Australia Telegram Confidential	(Rec. June 28)	Reports that Government has no objection to proposed Peace Commission Treaty with Brazil; states that High Commissioner will represent Australia.	158
309	Ditto ...	New Zealand Confidential (2)	May 23 (Rec. July 21)	States that Government concur in the ratification of the Peace Commission Treaty with Brazil.	158
310	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	August 13	States that His Majesty's Government propose concluding a Peace Treaty with Bolivia on lines similar to those recently concluded with Peru and Chile; invites concurrence of Ministers.	159
311	The Governor-General	Union of South Africa Telegram	August 19 (Rec. Aug. 20)	States that Ministers concur in Peace Commission Treaty with Bolivia.	159
312	The Governor	Newfoundland Telegram	(Rec. Aug. 24)	Ditto.	159
313	The Governor-General	New Zealand Telegram	(Rec. Sept. 4)	Ditto.	159
314	Ditto ...	Canada Telegram	November 13 (Rec. Nov. 13)	States that no recommendations can be made by the Minister of Justice respecting the Peace Commission Treaty with Bolivia until the text of the Treaty is available; asks for copies of the Treaty with Bolivia and of Treaties with Peru and Chile.	160
315	To the Governor-General	Canada Telegram	December 15	States, in reply to No. 314, that text of Treaty is not yet available, but draft will be modelled on treaties already concluded with Peru and Chile.	160
316	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 880	December 22	Transmits copies of Peace Commission Treaties with Chile and Peru.	160
1920					
317	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 3	January 2	Transmits copy of the Peace Commission Treaty with Brazil and states that it cannot be ratified by the President until it has been ratified by Congress.	161

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
318	To the Governors General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 24	January 20	States, with reference to No. 305, that ratifications were exchanged on 23rd October, 1919.	161
319	The Governor-General	Canada 79	February 9 (Rec. Mar. 1)	Transmits copy of a Privy Council Minute to the effect that there is no objection to the ratification and signature of the Peace Commission Treaty with Bolivia.	161
320	To the Governors General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 245	June 15	States that it is proposed to invite Señor Montes de Oca to serve as British non-national member and the Marques de Lema as fifth member of the Peace Commission to be appointed under the Treaty with Chile; states their qualifications; inquires as to Dominion representatives.	162
321	The Governor-General	Commonwealth of Australia Telegram	August 17 (Rec. Aug. 17)	States that Government has no objection to course proposed in No. 310.	163
322	Ditto ...	Union of South Africa, 510	July 29 (Rec. Aug. 18)	Transmits Minute from Ministers agreeing to appointments proposed in No. 320, and stating that they cannot at present nominate a representative, but agree to the High Commissioner acting.	163
323	The Governor ...	Newfoundland 134	August 7 (Rec. Aug. 25)	States that Ministers agree to appointments proposed in No. 320, and they nominate Sir E. Bowring, High Commissioner in London, as representative should occasion arise for his services.	164
324	The Governor-General	Commonwealth of Australia, Telegram	September 7 (Rec. Sept. 7)	Sees no objection to personnel as proposed in No. 320; states that High Commissioner has been nominated as Commonwealth representative.	164
325	The Administrator ...	New Zealand 151	September 16 (Rec. Oct. 30)	States that Ministers agree to the appointments proposed in No. 320, and Sir R. Stout, as Chief Justice, has been asked to represent New Zealand should occasion arise.	165

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
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United States of America.

1920					
326	To the Governors General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 272	July 2	Gives names of members of the Commission appointed under the Peace Commission Treaty with the United States of America and of Dominion nominees under Article III of the Treaty; inquires whom the Union Government wish to appoint in place of the late Mr. Schreiner.	165
327	The Governor-General	Union of South Africa 579	August 17 (Rec. Sept. 7)	Transmits Minute from Ministers appointing the High Commissioner in London, or the Acting High Commissioner for the time being, to be the Union's representative on the Peace Commission in the stead of the late Mr. W. P. Schreiner.	166
328	To the Governors General and Governor	Canada, 565 Commonwealth of Australia, 379 New Zealand, 197 Newfoundland 112	September 16	Communicates purport of No. 327.	166
329	To the Acting Governor-General	Union of South Africa, 890	September 24	Transmits copy of despatch to His Majesty's Ambassador at Washington requesting him to inform the United States Government as in No. 327.	167
330	Ditto ...	Union of South Africa 464	November 17	Transmits copy of despatch from His Majesty's Ambassador at Washington stating that the appointment of the High Commissioner for the Union in the place of the late Mr. W. P. Schreiner has been noted by the State Department.	167

PERSIA.

Agreement (1920) modifying the Commercial Convention of 1903.

1919					
331	To the Governors General and Governor	Canada, Commonwealth of Australia, Union of South Africa, New Zealand, Newfoundland Telegram	December 11	States that Sir H. L. Smith will represent His Majesty's Government on the Persian Customs Tariff Revision Committee; requests observations as to consideration of Dominion interests.	168

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
332	The Governor-General	New Zealand Telegram	December 24 (Rec. Dec. 24)	States that as export trade with Persia is negligible no special action in the interests of New Zealand is desired by the Government.	168
338	Ditto ...	Union of South Africa Telegram	December 29 (Rec. Dec. 30)	States, in reply to No. 331, that Ministers have no observations to offer.	169
1920					
334	Ditto ...	Canada Telegram	January 3 (Rec. Jan. 4)	States that Ministers represent that trade interests with Persia require no special consideration.	169
335	Ditto ...	Commonwealth of Australia Telegram	January 28 (Rec. Jan. 28)	Reports that Commonwealth is not greatly interested in the question of the Persian Customs Tariff, and is prepared to leave the protection of its interests in the hands of the Imperial Government.	169
336	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 229	June 4	Transmits copies of the Anglo-Persian Agreement for the revision of the Persian Customs Tariff and Regulations.	169

POLAND.
Treaty of 1919.

1919					
337	House of Assembly	Union of South Africa	September 9	Question by Mr. Alexander in the House of Assembly as to whether the Treaty with Poland would be submitted to Parliament for ratification, and the Prime Minister's reply stating that it would be laid on the table and ratified, unless its provisions are disapproved, before the end of the session.	170
338	The Governor-General	Canada Telegram	September 13 (Rec. Sept. 13)	Quotes Order in Council approving the ratification of the Treaty on behalf of Canada.	170

PROPERTY, RIGHTS AND INTERESTS.

(1) Bilateral Treaties with Greece, Poland, Czecho-Slovakia, Roumania and Serb-Croat-Slovene State.

1920					
339	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	March 16	Communicates text of proposed bilateral Treaty with Greece and certain other States regarding property, rights and interests to be restored to British subjects under the German Treaty; asks whether Ministers concur in draft Treaties being communicated to representatives of States concerned with a view to their signature.	171

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
340	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	March 16	States that it is proposed that the Dominions shall be signatories to the Treaties referred to in No. 339; requests name of representative.	171
341	The Governor-General	Newfoundland Telegram	March 21 (Rec. Mar. 21)	States that Ministers concur in proposal in No. 339.	171
342	The Governor-General	New Zealand Telegram	March 23 (Rec. Mar. 24)	Concurs in proposal in No. 339 and nominates High Commissioner for New Zealand to execute Treaties as New Zealand's representative.	172
343	Ditto ...	Commonwealth of Australia Telegram	March 29 (Rec. Mar. 29)	Concurs in proposal in No. 339 and states that the High Commissioner is authorized to sign Treaties referred to on behalf of the Commonwealth.	172
344	Ditto ...	Union of South Africa Telegram	April 14 (Rec. Apr. 16)	States that Ministers concur in proposal in No. 339.	172
345	The Acting Governor-General	Canada Telegram	April 19 (Rec. Apr. 20)	States that the Government concur in proposed treaties in No. 339 and nominate Sir G. H. Perley, High Commissioner, as representative.	172
346	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 237	June 8	Transmits with reference to No. 339 copy of note to representatives of States concerned together with copy of the revised draft of the Treaty. Draws attention to an addition to Article II.	173

(2) Agreement as to Restitution of Property, etc., under Article 297.
Treaty of Peace with Germany.

1920					
347	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	December 16	Summarizes the terms of the proposed agreement with Germany for reciprocal restitution of property and states reasons for limiting the agreement to the United Kingdom.	174

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
348	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram Confidential	December 16	Explains the position of British nationals as regards the reciprocal restitution of property agreement with Germany; and states that in order to safeguard the rights of British nationals under existing treaties an exchange of notes is proposed excluding specifically British nationals ordinarily resident and British companies incorporated in the Dominions.	176

ROUMANIA.

(1). Treaty of 1919 (Minorities.)

1920					
349	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 127	March 25	Transmits copy of the Treaty between the Principal Allied and Associated Powers and Roumania and copy of the Parliamentary Paper containing the English text.	176
350	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	July 23	Inquires whether Ministers agree to the Treaty being ratified.	177
351	The Governor-General	Union of South Africa Telegram	July 28 (Rec. July 29)	States that Ministers agree to ratification of Roumanian Minorities Treaty.	177
352	The Administrator ...	New Zealand Telegram	July 29 (Rec. July 29)	Ditto.	177
353	Ditto ...	Canada Telegram	July 29 (Rec. July 29)	Ditto.	177
354	The Governor-General	Commonwealth of Australia Telegram	August 9 (Rec. Aug. 9)	Ditto.	178

(2). Treaty regarding Bessarabia, 1920.

1920					
355	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	October 9	Outlines the main provisions of the Bessarabian Treaty and inquires whether Ministers agree to signature on their behalf.	178
356	The Acting Governor-General	Union of South Africa Telegram	October 12 (Rec. Oct. 12)	States, with reference to No. 355, that Ministers have no objection to His Majesty's Ambassador at Paris signing the Treaty on their behalf.	178

1920					
357	The Governor-General	Commonwealth of Australia Telegram	October 14 (Rec. Oct. 14)	States that Commonwealth Government agrees to signature of Bessarabian Treaty.	178
358	Ditto ...	Canada Telegram	October 14 (Rec. Oct. 14)	Desires that His Majesty's Ambassador in Paris may sign Treaty on behalf of Canada, as Sir G. Perley has returned to Canada.	179
359	Ditto ...	New Zealand Telegram	October 16 (Rec. Oct. 16)	Agrees to Bessarabian Treaty being signed on behalf of New Zealand by His Majesty's Ambassador at Paris.	179
360	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	December 1	States that it is proposed to ratify the Bessarabian and Hungarian Treaties simultaneously; inquires whether Ministers agree to ratification of Bessarabian Treaty.	179
361	The Governor-General	Union of South Africa Telegram	December 4 (Rec. Dec. 5)	States that Ministers agree to ratification of Bessarabian Treaty.	179
362	Ditto ...	Canada Telegram	December 6 (Rec. Dec. 6)	States that Canadian Government has no objection to simultaneous ratification of Bessarabian and Hungarian Treaties.	180
363	Ditto ...	New Zealand Telegram	(Rec. Dec. 7)	States that his Government agrees to ratification of Bessarabian Treaty.	180
364	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 494	December 7	Transmits copy of the Bessarabian Treaty.	180
365	The Governor-General	Commonwealth of Australia Telegram	December 8 (Rec. Dec. 8)	States that Government agrees to ratification of Bessarabian Treaty.	180

SERB-CROAT-SLOVENE STATE.

Treaty of 1919.

1919					
366	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 783	October 17	Transmits copy of Treaty with the Serb-Croat-Slovene State.	181

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
367	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram (Extract)	November 27	Inquires whether Ministers concur in proposed ratification of Serb-Croat-Slovene Treaty.	181
368	The Governor-General	Canada Telegram	November 29 (Rec. Nov. 30)	States that Ministers concur in proposed ratification of Serb Treaty.	181
369	Ditto ...	Union of South Africa Telegram	December 10 (Rec. Dec. 11)	Ditto.	182
370	Ditto ...	New Zealand Telegram	December 18 (Rec. Dec. 18)	Ditto.	182
1920					
371	Ditto ...	Commonwealth of Australia Telegram	January 9 (Rec. Jan. 9)	Ditto.	182

SLESVIG.**Treaty Transferring Sovereignty of Portion to Denmark.**

1920					
372	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	June 29	Explains with reference to the Treaty of Peace with Germany that subsidiary treaty will be necessary in connexion with the transfer of a portion of Schleswig to Denmark and inquires as to Dominions representatives to sign this Treaty.	182
373	The Governor-General	New Zealand Telegram	July 4 (Rec. July 4)	States, with reference to No. 372, that Sir James Allen, High Commissioner for New Zealand, has been nominated to sign on behalf of New Zealand.	183
374	Ditto ...	Union of South Africa Telegram	July 2 (Rec. July 5)	States, with reference to No. 372, that High Commissioner in London will be asked to sign on behalf of the Union Government.	183
375	Ditto ...	Canada Telegram	July 5 (Rec. July 5)	States, with reference to No. 372, that the High Commissioner, Sir G. Parley, has been designated as representative of Government of Canada to sign on behalf of Canada.	183
376	Ditto ...	Commonwealth of Australia Telegram	July 6 (Rec. July 6)	States, with reference to No. 372, that High Commissioner for Australia will sign on behalf of Australia.	183
377	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions	August 4	Transmits copies of Slesvig Treaty signed on 5th July, 1920.	184

1920					
378	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	September 10	Inquires whether Ministers agree to the ratification of the Slesvig Treaty.	184
379	The Acting-Governor-General	Union of South Africa Telegram	September 17 (Rec. Sept. 18)	States that Ministers agree to ratification of the Slesvig Treaty.	184
380	The Administrator ...	New Zealand Telegram	September 21 (Rec. Sept. 21)	Ditto.	184
381	The Governor-General	Commonwealth of Australia Telegram	October 2 (Rec. Oct. 2)	Ditto.	185
382	Ditto ...	Canada Telegram	October 23 (Rec. Oct. 28)	Ditto.	185
383	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions	December 24	Reports ratification of the Slesvig Treaty by the British Empire, Italy, France, Japan and Denmark and signature of the procès-verbal of ratification.	185

SPAIN.**Commercial Arrangements.**

1919					
384	The Governor-General	Commonwealth of Australia Telegram	(Rec. Sept. 9)	Referring to withdrawal of the Commonwealth from commercial treaties, it appears that Anglo-Spanish treaties impose obligation to accord national or most-favoured-nation treatment to Spanish ships and goods; if this is so requests that immediate notice be given of withdrawal of Commonwealth from any such arrangement and asks for formal declaration from Spain that Anglo-Spanish treaties are not regarded as imposing such obligations.	186
385	To the Governor-General	Commonwealth of Australia Telegram	September 30	Reports that Spanish Government are being notified as requested in No. 384; states that treaties concluded with Spain before 1845 do not apply to Overseas Dominions.	186
386	Ditto ...	Commonwealth of Australia	October 15	Transmits copy of despatch to His Majesty's Chargé d'Affaires, Madrid, asking that the Spanish Government may be informed of the withdrawal of the Commonwealth from Commercial Treaty of 1894.	186

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
387	To the Governor-General	Commonwealth of Australia 411	November 11	Transmits copy of a Note from His Majesty's Ambassador at Madrid to the Spanish Government notifying the withdrawal of the Commonwealth Government from the Commercial Agreement with Spain of 1894.	187
1920					
388	Ditto ...	Commonwealth of Australia 60	February 14	Transmits copy of Note from Spanish Government regarding the withdrawal of the Commonwealth Government from the Commercial Agreement of 1894.	188

SPITZBERGEN.

1919					
389	To the Governors-General	Canada, Commonwealth of Australia, Union of South Africa, New Zealand Telegram (Extract)	August 27	Proposes that the Spitzbergen Convention in connexion with the general peace settlement should be entered into in the name of the British Empire and should be signed by representatives of the Dominions and India.	188
390	The Governor-General	New Zealand Telegram	(Rec. Sept. 8)	States that Ministers agree to proposal in No. 389.	189
391	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	September 27	States the position as regards the Spitzbergen Convention.	189
392	Ditto ...	Canada, 469 Commonwealth of Australia, 871 New Zealand, 176 Union of South Africa, 515	October 7	Transmits copies of the Report on Spitzbergen by the Committee appointed by the Supreme Council, the English text of the draft Treaty and Annex A referred to in Article VI.	189
393	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	December 19	States that French Government has invited assent to the Spitzbergen Treaty, the final text of which is substantially the same as draft Treaty enclosed in No. 392; enquires whether Ministers agree to assent to Treaty and, if so, whom they wish to nominate to sign it.	190
394	The Governor-General	New Zealand Telegram	December 22 (Rec. Dec. 28)	States that the Government assents to the Spitzbergen Treaty and nominates the High Commissioner as New Zealand representative.	190

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
395	The Governor-General	Canada Telegram	December 23 (Rec. Dec. 24)	States, in reply to No. 393, that Sir George Perley has been authorized to sign on behalf of Canada.	190
396	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Newfoundland Telegram Confidential	December 30	States that it is proposed when notifying the French Government of intention to sign to add declaration that His Majesty's Government will not recognize any limit of territorial waters other than the three-mile limit.	191
397	The Governor-General	Union of South Africa Telegram	December 30 (Rec. Dec. 30)	States that Ministers assent to the Spitzbergen Treaty and desire that the Acting High Commissioner should be asked to sign on behalf of the Union.	191
1920					
398	Ditto ...	Union of South Africa Telegram	January 9 (Rec. Jan. 13)	States with reference to the Spitzbergen Treaty that Ministers see no objection to declaration regarding territorial waters.	191
399	Ditto ...	Commonwealth of Australia Telegram	January 13 (Rec. Jan. 18)	Agrees to signature of Spitzbergen Treaty and nominates the High Commissioner to sign as Commonwealth representative.	191
400	Ditto ...	Canada Telegram	February 12 (Rec. Feb. 13)	States that, subject to condition indicated, Canadian Government does not object to declaration referred to.	192
401	To the Governor-General	Canada Telegram	February 21	States, with reference to No. 400, that no reservation has been made to French Government in respect of extent of territorial waters.	192
402	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty Confidential (8)	February 24	Amplifies No. 396.	192
403	Ditto ...	Canada, Commonwealth of Australia, New Zealand Union of South Africa, Telegram	July 26	Inquires whether Ministers agree to ratification of Spitzbergen Treaty.	193
404	The Governor-General	Union of South Africa Telegram	July 28 (Rec. July 29)	States that Ministers agree to ratification of the Spitzbergen Treaty.	193

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
405	The Administrator	Canada Telegram	July 29 (Rec. July 29)	States that Ministers agree to ratification of the Spitzbergen Treaty.	193
406	The Governor-General	Commonwealth of Australia Telegram	August 8 (Rec. Aug. 3)	States that Government has no objection to the ratification of the Spitzbergen Treaty.	198
407	The Administrator	New Zealand Telegram	August 3 (Rec. Aug. 3)	States that Government agrees to ratification of Spitzbergen Treaty.	193

SWITZERLAND.

Commercial Treaty of 1855.

1919					
408	To the Governor-General	Commonwealth of Australia Telegram	January 4	Regrets that wishes of Commonwealth Government with regard to the Anglo-Swiss Convention of 1914 were overlooked, and states that Swiss Government will now be notified of the withdrawal of the Commonwealth Government from Articles IX and X of the 1855 Treaty.	194
409	Ditto ...	Commonwealth of Australia 14	January 11	Transmits copy of despatch to His Majesty's Minister at Berne instructing him to inform the Swiss Government of the withdrawal of the Commonwealth from Articles IX and X of the Anglo-Swiss Commercial Treaty of 1855.	194
410	Ditto ...	Commonwealth of Australia 38	January 28	Transmits copy of Note from His Majesty's Minister at Berne reporting that he had intimated the Swiss Government as instructed in No. 409.	195
411	Ditto ...	Commonwealth of Australia Telegram	March 18	Refers to No. 408 and states that the Swiss Minister has inquired reasons for withdrawal of Commonwealth Government from Articles IX and X of the 1855 Treaty, and what its intentions are as regards future commercial dealings with Switzerland. Asks what reply Ministers would wish to be returned.	195
412	Ditto ...	Commonwealth of Australia Telegram	April 14	Requests early reply to No. 411.	196
413	The Governor-General	Commonwealth of Australia Telegram	(Rec. May 8)	Gives reasons for withdrawal of Commonwealth Government from Articles IX and X of the Anglo-Swiss Treaty, 1855, and states policy as to further commercial treaties with Switzerland.	196
414	To Foreign Office ...	Commonwealth of Australia	May 16	Transmits copy of No. 413, and suggests that Swiss Minister should be informed of policy indicated therein.	196
415	To the Governor-General	Commonwealth of Australia Telegram	June 13	States that Swiss Minister is anxious to commence negotiations for a commercial treaty without waiting till January, 1920; invites views of Ministers.	197

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
416	The Governor-General	Commonwealth of Australia Telegram	(Rec. July 9)	States, in reply to No. 415, that decision is deferred until the question of tariff has been dealt with by Parliament.	197
417	To the Governor-General	Commonwealth of Australia Telegram	August 29	Reports that Swiss Government request that the withdrawal of Commonwealth Government from Articles IX and X of Anglo-Swiss Treaty, 1855, may not take effect in January, 1920, but may be postponed pending new arrangements between the two Governments.	197
418	The Governor-General	Commonwealth of Australia Telegram	(Rec. Sept. 10)	States, with reference to No. 417, that Government cannot concur in suggested postponement.	198
419	To the Governor-General	Commonwealth of Australia Telegram	October 29	States that Swiss Minister inquires when the completion of the revision of the Australian tariff may be expected.	198
420	The Governor-General	Commonwealth of Australia Telegram	(Rec. Nov. 7)	States, in reply to No. 419, that it is proposed to introduce tariff resolution early in first session of the new Parliament.	198

TURKEY.

Treaty of Peace (Sèvres.)

1920					
421	The Governor-General	Canada Telegram	March 5 (Rec. March 5)	States that Ministers desire to be kept advised as to the proposed conditions of peace with Turkey, especially as regards Armenian readjustments and control of the Straits.	198
422	To the Administrator	Canada Telegram Secret	March 28	Sends information as to the proposed conditions of Peace with Turkey as regards the Straits and Armenia.	199
423	To the Governors-General	Commonwealth of Australia New Zealand, Union of South Africa Telegram	March 23	Communicates No. 422 for the information of Ministers.	199
424	The Administrator	Canada Telegram	April 1 (Rec. April 2)	Quotes Minute of Council formally recording that the Canadian Government is absolutely opposed to the return of Armenia to Turkish rule, and suggesting that Canada should be kept fully informed of the negotiations for the Treaty of Peace.	200
425	To the Administrator	Canada Telegram	April 10	Explains the difficulties connected with the liberation of the Armenians from Turkish rule, and states what steps it is proposed to take in the matter.	200

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
426	The Administrator	Canada 206	April 1 (Rec. Apr. 20)	Transmits Privy Council Minute respecting the necessity of keeping the Canadian Government informed of negotiations and settlement, and stating that it is opposed to the return of Armenia to Turkey.	201
427	Ditto ...	Canada Telegram	April 22 (Rec. Apr. 22)	States that Canadian Jewish Congress urges that His Majesty's Government should be made mandatory for Palestine and expresses confidence that it will give full effect to the declaration made by Mr. Balfour in November, 1917; the Canadian Government shares the hope that His Majesty's Government may become mandatory.	202
428	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram Secret	April 29	Conveys message from the Prime Minister outlining the terms of the Treaty of Peace with Turkey.	202
429	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 221	May 28	Transmits English text of the conditions of Peace with Turkey.	204
430	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 465	November 17	Transmits copy of the Tripartite Agreement respecting Anatolia and of the Treaty of Peace with Turkey.	204

UNITED STATES OF AMERICA.

(1). Real and Personal Property Convention, 1899.

1920					
481	Foreign Office ...	—	April 6	Transmits copy despatch from His Majesty's Chargé d'Affaires at Washington enclosing despatch to Canada with one from the State Department, Washington, inquiring whether the Canadian Government is disposed to adhere to the Real and Personal Property Convention, 1899.	205

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920					
432	The Governor-General	Canada Telegram	May 15 (Rec. May 18)	States that in case of Sullivan v. Martin, United States Supreme Court has asked for certified copy of a Foreign Office despatch to His Majesty's Minister at Tokio, expressing view that provision in Treaty excepting Colony from application of Treaty stipulations, does not limit rights assured to British subjects generally on account of their connexion with non-adhering Colony.	206
433	To Foreign Office ...	—	May 21	Transmits copy of No. 432 respecting certain legal proceedings in the United States which raise the question of the position of Canadian British subjects under the Convention.	207
434	Foreign Office ...	—	June 10	Transmits copy of a despatch to His Majesty's Ambassador at Washington forwarding certified copies of documents for use in connexion with legal proceedings in the United States relative to the position of Canadian British subjects under the Convention.	207
435	To the Governor-General	Canada Telegram	June 16	States that Secretary of State for Foreign Affairs has forwarded to British Embassy at Washington certified copies of two despatches to His Majesty's Minister at Tokio, containing substance of Law Officers' opinions referred to in the Circular despatch of the 2nd December, 1899.	208
436	To the Foreign Office	—	June 18	Refers to No. 434 and inquires whether the information with regard to the Real Property Convention with the United States, as indicated in No. 433, can be furnished; encloses a copy of No. 435.	209
437	Foreign Office ...	—	June 26	Sets forth the position, as far as is known, of the overseas territories of the United States respecting the Real Property Convention with the United States of 1899.	209
438	To the Governor-General	Canada 419	July 16	States the position of the overseas territories of the United States with regard to the application of the Real Property Convention, 1899, with the United States of America.	209

(2). Sockeye Salmon Fisheries Convention, 1920.

1920					
439	To the Governor-General	Canada 420	July 16	Transmits copy of despatch from His Majesty's Ambassador at Washington enclosing amended form of the Sockeye Salmon Fisheries Convention; inquires whether Ministers desire that steps should be taken for the ratification of the Convention.	210

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			1920		
440	The Governor-General	Canada Telegram	September 17 (Rec. Sept. 18)	States that his Government think it preferable that ratification of the Sockeye Salmon Fisheries Treaty should be deferred until it is seen what action the United States Senate will take.	210

VENEZUELA.

Commercial Treaties of 1825 and 1834.

			1919		
441	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 174	March 11	Transmits copy of despatch from His Majesty's Minister at Caracas covering a Note from the Venezuelan Government expressing willingness to begin negotiations for the conclusion of a new Commercial Treaty.	211
442	Ditto ...	Confidential Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 305 Confidential	April 24	Transmits copy of despatch to His Majesty's Minister at Caracas agreeing to enter into negotiations with the Venezuelan Government for the conclusion of a new Commercial Treaty subject to conditions stated.	213

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS.

100

POSITION OF THE SELF-GOVERNING DOMINIONS.

CORRESPONDENCE

1917 and 1918 (Nos. 141 to 149)

1919 and 1920.

AERIAL NAVIGATION CONVENTION.

66537

No. 1.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 7.45 p.m., 20th November, 1919.)

TELEGRAM.

[Answered by Nos. 2, 3, 4, 6, and 10.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

20TH NOVEMBER. Matter most urgent. With reference to my despatch of 5th August, Dominions No. 619,* Aerial Navigation Convention signed Paris, 13th October, on behalf of United Kingdom and ten foreign Powers, not including United States of America and Japan. Form of preamble same as that adopted in other Treaties and Conventions forming part of Peace Settlement. British Peace Delegation, Paris, urges that signature of Dominion representatives should be added Paris, 27th November, when Bulgarian Treaty to be signed. Do your Ministers see any objection? Convention in final form understood to embody various drafting changes from text enclosed in my despatch, but details have not yet reached me. Signature of Convention on behalf of any particular Dominion would, of course, leave open question of ultimate ratification on its behalf. This telegram is being communicated to High Commissioner. Telegraph reply urgently.
—MILNER.

67366

No. 2.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.50 a.m., 25th November, 1919.)

TELEGRAM.

24TH NOVEMBER. Matter most urgent. Your telegram 20th November.† My Ministers agree that New Zealand representative should sign Convention as proposed, and instructions are being sent to the High Commissioner, by cable, accordingly.—LIVERPOOL.

* Note.—43319. This enclosed copy of [Cmd. 266] (i.e., draft International Air Navigation Convention agreed by a Sub-Commission of the Peace Conference).

† No. 1.

67427

No. 3.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.20 p.m., 25th November, 1919.)

TELEGRAM.

[Answered by No. 5.]

25TH NOVEMBER. With reference to your telegram 20th November,* my Ministers agree to signature of Aerial Navigation Convention on behalf of Union by Blankenberg, Acting High Commissioner, when Bulgarian Treaty is signed. They inquire whether special authority similar to those issued for signature of Peace Treaties will be needed. If so, it will be sent later.—BUXTON.

67589

No. 4.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.37 a.m., 26th November, 1919.)

TELEGRAM.

26TH NOVEMBER. With reference to your telegram 20th November,* and your despatch 5th August, Dominions No. 619,† Aerial Navigation Convention. High Commissioner for Australia, London, who will be signatory for Australia to Bulgarian Treaty, is being authorized to sign Convention on behalf of Australia. Ministers note signature of Convention leaves open question of ultimate ratification.—FERGUSON.

67427

No. 5.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.15 p.m., 26th November, 1919.)

TELEGRAM.

26TH NOVEMBER. Your telegram of 25th November,‡ signature of Air Convention, communicated to Blankenberg, who has also received full power from His Majesty covering any matters coming into discussion between His Majesty and other Powers and States in connexion with Peace Conference.—MILNER.

68054

No. 6.

CANADA.

THE HIGH COMMISSIONER to COLONIAL OFFICE.

(Received 29th November, 1919.)

19, Victoria Street, London, S.W.1,

27th November, 1919.

DEAR MAJOR THORNTON,

REFERRING to my telephone message of this morning, I now quote below the cable message that has arrived from the Prime Minister of Canada for Sir George Perley, which you have been good enough to say that you will telephone through to Paris if it is possible to do so:—

* No. 1. † See Note to No. 1. ‡ No. 3.

"On reaching Ottawa this evening, I find Lord Milner's telegram of twentieth November,* respecting signature of Aerial Navigation Convention. He urges that it should be signed by you to-morrow. We authorize its signature subject to complete reservation as to further action by this Government inasmuch as we have no copy of the Convention in its present form, and Lord Milner's despatch gives no definite information. Please inform Lord Milner."

Yours faithfully,
E. P. LUKE.

68475

No. 7.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.10 p.m., 6th December, 1919.)

TELEGRAM.

6TH DECEMBER. Referring to my telegram of 20th November,* Aerial Navigation Convention, please inform your Prime Minister that his telegram to Perley† authorizing signature did not reach latter until after signing of Bulgarian Treaty, and consequently could not be acted upon. Anticipated, however, that opportunity for signature of Aerial Convention on behalf of Canada will occur when Hungarian Treaty ready for signature, probably after about two months. In the meantime, text of Convention, as signed, being sent by mail.—SECRETARY OF STATE FOR THE COLONIES.

70044

No. 8.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10th December, 1919.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a letter from the British Peace Delegation, dated 3rd December, on the subject of the Aerial Navigation Convention.

Foreign Office,

9th December, 1919.

Reference to previous correspondence: letter to Foreign Office, 27th November.‡

Enclosure in No. 8.

(No. 2251.)

MY LORD,

British Delegation, Paris, 3rd December, 1919.

WITH reference to my telegram No. 1620, of 27th November, reporting the signature of the Air Convention by representatives of Australia, New Zealand, and South Africa, on the 27th ultimo, I have the honour to report that subsequent to Your Lordship's telegrams Nos. 1411 and 1413, of the 26th ultimo, a telephone message was received from the War Cabinet Secretariat stating that a telegram had arrived from Sir Robert Borden authorizing Sir George Perley to sign this Convention subject to full reservation by the Canadian Government on the ground that they had not yet received the final text of the Convention. It would appear from the correspondence which has passed that this reservation is intended to correspond to that indicated in the Report of the Aeronautical Commission to the effect that the signature of Canada must not be taken as binding the Canadian Government to take any further steps or to have the Convention ratified on their behalf.

2. Mr. Malkin, whom Sir George Perley consulted in the matter, pointed out that it would be very difficult for him to attach a reservation to his signature,

* No. 1. † No. 6. ‡ 67427: this enclosed copies of Nos. 3 and 5 (i.e., telegrams to and from Union).

(1) Because it was not clear what the reservation ought exactly to consist of; while, should it be the reservation indicated in the Aeronautical Commission's report, it would be a reservation which is implicit in every signature to a Treaty requiring ratification;

(2) Because it was doubtful whether a signature to a reservation would be accepted by the other signatory Powers, and in any case such a signature ought not to be appended without the other signatory Powers being previously notified, so as to give them an opportunity of expressing their views on the reservation.

3. In these circumstances Mr. Malkin advised Sir George Perley that it would be better that he should not sign the Air Convention on this occasion, but should wait for a later opportunity by which time it was to be hoped that the Canadian Government would have received a copy of the Convention in its final form and would be in a position definitely to decide their policy with regard to signing it. As the Convention remains open for six months from the date of the first signature, 13th October, there is still ample time for the Canadian Government to authorize their representative to sign.

4. Sir George Perley concurred in this view, and accordingly decided not to sign the Air Convention on this occasion. He is reporting direct to Sir Robert Borden on the subject. In the meanwhile, he has been given a copy of the Convention in its final form, which he intends to send to Sir Robert Borden so as to avoid possible delays which may occur in transmitting copies by the official channel.

I have, &c.,
(for Sir Eyre Crowe),
H. NORMAN.

The Right Honourable
The Earl Curzon of Kedleston, K.G., P.C.,
&c., &c., &c.

68606

No. 9.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.	} Dominions No. 865.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th December, 1919.

WITH reference to Viscount Milner's despatch of the 5th of August, Dominions No. 619,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copy of the text of the Air Navigation Convention† as signed at Paris on 13th October.

2. A Bill is now in course of preparation, both to carry into effect the Convention in question and also to consolidate the law in force in the United Kingdom relating to Air Navigation. This Bill, however, will not be introduced into Parliament until 1920.

I have, &c.,
(For the Secretary of State),
L. S. AMERY.

10891

No. 10.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 1st March, 1920.)

(No. 98.)

SIR, Government House, Ottawa, 16th February, 1920.
I HAVE the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada on the subject of the International Air Navigation Convention.

I have, &c.,
DEVONSHIRE.

* See Note to No. 1.

† Published as [Cmd. 670].

Enclosure in No. 10.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED
BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 7TH FEBRUARY, 1920.

(P.C. 294.)

THE Committee of the Privy Council have had before them a Report, dated 4th February, 1920, from the Acting Secretary of State for External Affairs, representing that at Paris, on 13th October, 1919, as a part of the proceedings of the Peace Conference, a Convention relating to International Air Navigation was concluded and signed on behalf of certain Powers with a provision that it might be signed by the other Powers named as parties at any time until 12th April, 1920; that the Convention has not yet been signed on behalf of Canada, and it is necessary to give instructions in this respect to the Honourable Sir George H. Perley in his capacity as Plenipotentiary in behalf of the Dominion of Canada in respect of Treaties and Conventions arising from the Peace Conference.

The Minister states that the Air Board of Canada, to whom the question was referred, have reported that it is not expedient to accept the Convention without reservation, and have accordingly recommended that it should only be signed on condition that a note be appended to the signature either stating that the signature is subject to reservations affecting Article V and Annexes A, D, E, F, G, and H of the Convention, or referring to a paper communicated contemporaneously to the French Government and setting out the reservations as follows:—

1. Article V.—That notwithstanding that the United States does not become a party to the Convention Canada may make reciprocal arrangements with the United States permitting the flight of aircraft which would under the Convention be properly registrable.
2. Article V.—That the registration of kites and fixed ballons need not be insisted upon.
3. Annex A.—That neither the classification of aircraft nor the provisional form of registration certificate need be followed.
4. Annex D.—That the irreconcilable provisions of paragraphs 5 and 10 need not be adopted.
5. Annex D.—That the provisions of section 5 may be confined to aerodromes for the use of flying machines adapted to alight upon land.
6. Annex E.—That the minimum qualifications specified may be waived or altered where they appear to be unreasonable, unduly dangerous, or unnecessary.
7. Annex F.—That the marking of aerodromes specified in section II need not be prescribed.
8. Annex G.—That the individual station weather reports specified in Appendix I need not be made more than twice a day.
9. Annex H.—That the provisions of this Annex need not be followed.

The Minister observes that the reason for the last reservation is that, while it is proposed to provide for Customs aerodromes, the ordinary Canadian Customs law will be adapted to air transport, and special provisions following the specified provisions of this Annex will not be followed.

The Committee, on the recommendation of the Acting Secretary of State for External Affairs, advise that these proposals of the Air Board be approved, and that Sir George Perley be instructed accordingly.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

Note.—Sir G. Perley ultimately signed the Convention without reservations.
(See, however, Nos. 26 and 34.)

14142

No. 11.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 3.15 p.m., 16th April, 1920.)

TELEGRAM.

[Answered by Nos. 12, 13, 15, and 16.]

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

16TH APRIL. My despatch 11th December, Dominions No. 865.* Should be glad to know, as soon as possible, whether your Ministers agree that His Majesty should ratify Aerial Navigation Convention.—MILNER.

20045

No. 12.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.30 a.m., 21st April, 1920.)

TELEGRAM.

20TH APRIL. Your telegram of 16th April;† my Ministers agree that His Majesty should ratify Aerial Navigation Convention.—BUXTON.

21768

No. 13.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.5 p.m., 30th April, 1920.)

TELEGRAM.

30TH APRIL. Your telegram 16th April.† Government of New Zealand agree to ratification by His Majesty the King of the Aerial Navigation Convention. LIVERPOOL.

20836

No. 14.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

} Dominions No. 179.)

[My LORD,] [SIR,]

Downing Street, 30th April, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a unanimous report‡ submitted by the Inter-Allied Aeronautical Committee in Paris to the Council of Ambassadors, on the subject of the adhesion of neutral States to the Air Convention, together with a draft Protocol elaborated by the Committee.

I have, &c.,

MILNER.

* No. 9.

† No. 11.

‡ Draft Protocol only printed.

Enclosure in No. 14.

PROTOCOLE ADDITIONNEL À LA CONVENTION DU 13 OCTOBRE 1919, PORTANT
RÉGLEMENTATION À LA NAVIGATION AÉRIENNE.

LES Hautes Parties contractantes se déclarent prêtes à accorder sur la demande des Etats signataires ou adhérents intéressés et seulement dans les cas où ils jugeront les raisons invoquées dignes d'être prises en considération, des dérogations à l'article V de la Convention.

Les demandes seront adressées au Gouvernement de la République française, qui les communiquera à la Commission Internationale de navigation aérienne prévue à l'article 34 de la Convention.

La Commission Internationale de Navigation aérienne examinera chaque demande qui ne pourra être proposée à l'acceptation des Etats contractants si elle n'a été approuvée par les deux tiers au moins du total possible des voix, c'est-à-dire du total des voix qui pourraient être exprimées si tous les Etats étaient présents.

Chaque dérogation accordée devra, avant de porter effet être expressément acceptée par les Etats contractants.

La dérogation accordée aura pour effet d'autoriser l'Etat contractant qui en sera bénéficiaire à admettre la circulation au dessus de son territoire des aéronefs d'un ou de plusieurs Etats non contractants désignés et seulement pour une période de temps limitée fixée dans le texte de la décision accordant la dérogation.

A l'expiration de cette période, la dérogation sera renouvelée par tacite reconduction pour une période de même durée à moins que l'un des Etats contractants ne déclare s'y opposer.

En outre, les Hautes Parties Contractantes décident de fixer au 1er Juin Mil neuf cent vingt l'expiration du délai de signature du présent Protocole et, en raison de la connexité du présent Protocole avec la Convention du 13 Octobre 1919, de proroger jusqu'à cette date, le délai de signature de la dite convention.

Fait, à Paris, le en un seul exemplaire, qui restera déposé dans les Archives du Gouvernement de la République Française, et dont les copies authentiques seront remises aux Etats contractants.

Le dit exemplaire, daté comme il est dit ci-dessus, pourra être signé jusqu'au premier Juin mil neuf cent vingt inclusivement.

En foi de quoi, les Plénipotentiaires ci-après, dont les pouvoirs ont été reconnus en bonne et dûe forme, ont signé le présent Protocole dont les textes français anglais et italien auront même valeur.

21902

No. 15.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5.10 a.m., 1st May, 1920.)

TELEGRAM.

30TH APRIL. Your telegram 16th April,* Aerial Convention. My Ministers agree.—HARRIS.

22173

No. 16.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.15 p.m., 3rd May, 1920.)

TELEGRAM.

3RD MAY. Your telegram 16th April.* Commonwealth Government concurs in proposed ratification of Aerial Navigation Convention.—FERGUSON.

* No. 11.

23449

No. 17.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 12th May, 1920.)

TELEGRAM.

[Answered by No. 25.]

12TH MAY. Air Convention. Should be glad to learn whether your Ministers approve Protocol enclosed my despatch 30th April, Dominions No. 179,* and agree to its being signed by High Commissioner on behalf of Canada. Reply requested at earliest possible date as time proposed for signature expires 1st June.—MILNER.

23449

No. 18.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL

(Sent 5.45 p.m., 12th May, 1920.)

TELEGRAM.

[Answered by Nos. 20, 22, and 24.]

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

12TH MAY. Urgent. Air Convention; draft Protocol, copy enclosed my despatch 30th April, Dominions No. 179,* has been drawn up to facilitate adhesion of Switzerland and other neutral States, who, if forced to exclude enemy aircraft under Article V might find their aircraft deprived of right of flying over enemy territory, Articles 313, German Peace Treaty, and 276, Austrian Treaty, applying only to Allied aircraft.

Following is substance of draft Protocol: *Begins:*

High Contracting Parties declare themselves ready to accord on application of signatory or adhering States interested, provided reasons given regarded worthy of being taken into consideration, derogations from Article V, Air Convention. Applications to be made to French Government, who will communicate them to International Commission contemplated Article XXXIV. Commission will examine each application which cannot be proposed for acceptance of contracting States unless approved by two thirds, at least, of possible total number of votes, i.e., number which could be given if all States present. Each derogation accorded must be expressly accepted by contracting States before taking effect. Derogation accorded will have effect of authorizing recipient contracting State to admit circulation over its territory aircraft of one or more non-contracting States specified, but only for limited period fixed in text of decision according derogation. At expiration of such period derogation will be tacitly renewed for a period of same duration unless one of the contracting States declares itself opposed thereto. Period for signature Protocol expires 1st June, and period for signature of Convention extended to same date. *Ends.*

Please telegraph at earliest possible date whether your Ministers approve Protocol and, if so, who is authorized to sign for them.—MILNER.

* No. 14.

23449

No. 19.
NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 5.45 p.m., 12th May, 1920.)

TELEGRAM.

[Answered by No. 23.]

12TH MAY. Air Convention. Presume your Ministers see no objection to Protocol enclosed my despatch 30th April, Dominions No. 179.* Telegraph reply at earliest possible date as time proposed for signature expires 1st June.—MILNER.

24508

No. 20.
UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 p.m., 17th May, 1920.)

TELEGRAM.

17TH MAY. Your telegram 12th May.† Ministers approve Air Convention draft Protocol, and would be glad Acting High Commissioner for Union of South Africa in London could be asked to sign on behalf of Union.—BUXTON.

22580

No. 21.
THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.	} Dominions No. 203.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 19th May, 1920.

WITH reference to my despatch Dominions No. 863, of the 11th of December, 1919,‡ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of a Parliamentary Paper [Cmd. 670] containing the text of the Convention for the regulation of Aerial Navigation.

I have, &c.,

MILNER.

25907

No. 22.
NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.25 a.m., 26th May, 1920.)

TELEGRAM.

25TH MAY. Your telegram 12th May,† Air Convention draft protocol. Government of New Zealand approves draft protocol, and the High Commissioner for New Zealand will be authorized to sign on behalf of this Dominion.—LIVERPOOL.

* No. 14.

† No. 18.

‡ No. 9.

26504

No. 23.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2.45 a.m., 29th May, 1920.)

TELEGRAM.

28TH MAY. Your telegram 12th May,* Protocol. My Ministers have no objection to offer; delay caused by non-receipt of despatch.†—HARRIS.

26523

No. 24.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.36 a.m., 29th May, 1920.)

TELEGRAM.

29TH MAY. Your telegram 12th May,‡ Air Convention Draft Protocol. Government of Commonwealth of Australia approves of Protocol and is authorizing High Commissioner for Australia, London, to sign on behalf of Australia.—FERGUSON.

26668

No. 25.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.45 a.m., 30th May, 1920.)

TELEGRAM.

[Answered by No. 26.]

29TH MAY. Your telegram, 12th May,§ in respect of Protocol forwarded with your despatch 30th April, No. 179.† High Commissioner has been instructed to sign Protocol if it is signed by United States of America.—DEVONSHIRE.

29629

No. 26.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 371.)

MY LORD DUKE,

Downing Street, 17th June, 1920.

WITH reference to Your Excellency's telegram of the 29th May|| and previous correspondence respecting the proposed Protocol to the Air Convention, I have the honour to transmit to Your Excellency, for the information of your Ministers, copy of a telegram from His Majesty's Ambassador at Paris, relative to the signature of the Protocol, together with copy of a subsequent despatch relative to the reservations subject to which the United States Ambassador signed the Convention and the Protocol, and to the signature of the Protocol on behalf of Canada by Sir George Perley.

I have, &c.,

MILNER.

* No. 19. † No. 14. ‡ No. 16. § No. 17. || No. 25.

(28059.)

Enclosure 1 in No. 26.

LORD DERBY (PARIS) to THE SECRETARY OF STATE FOR FOREIGN AFFAIRS.

(Received 5th June, 1920.)

TELEGRAM.

(No. 669.)

4TH JUNE. The additional Protocol to the International Air Convention was signed this afternoon by myself and representatives of Canada, Australia, New Zealand, and South Africa at the same time as the Hungarian Treaty; see my telegram No. 628, of 26th May. The following other countries have signed the Protocol:—United States, Belgium, Bolivia, China, Cuba, Ecuador, France, Greece, Italy, Japan, Panama, Poland, Portugal, Roumania, Serb-Croat-Slovene State, Siam, Czecho-Slovakia, Uruguay. Brazil and Guatemala, who signed Convention, have not signed Protocol. United States signed with reservations, regarding which despatch follows.

(29629.)

Enclosure 2 in No. 26.

(No. 1753.)

MY LORD,

British Embassy, Paris, 5th June, 1920.

WITH reference to my telegram No. 669, of yesterday's date, regarding the signature of the additional Protocol to the International Air Convention, I have the honour to state that the United States Ambassador signed both the Convention and Protocol on the 31st ultimo, with the reservations contained in the two letters (copies enclosed) addressed by the American Ambassador to the President of the Ambassadors' Conference.

In view of your telegram, unnumbered, of the 2nd instant, inquiring whether the United States had signed the Protocol, I caused the text of these reservations to be telephoned to you on the afternoon of the 3rd instant, and communicated copies of the American Ambassador's letters to Sir George Perley on his arrival in Paris. Sir George Perley expressed much surprise, as he had understood that signature with reservations was not possible.

He was prepared to sign provided he could make the reservations stipulated by the Canadian Government in a similar manner, and provided I could assure him that his signature of the Convention and Protocol did not commit the Canadian Government to ratification. I gave him an assurance in this sense, and I understand that he will address a letter to the President of the Ambassadors' Conference specifying the reservations made by the Canadian Government. In these circumstances he thought there would be no objection to his signing the Protocol, and he did so, as reported in my telegram referred to above.

I have, &c.,

DERBY.

The Right Honourable

The Earl Curzon of Kedleston, K.G., P.C.,
&c., &c., &c.

MR. PRESIDENT,

Paris, 31st May, 1920.

I HAVE the honour to inform Your Excellency that I have been directed to make the following interpretative reservation on behalf of the Government of the United States of America at the time of signing the Protocol to the Aerial Convention of 13th October, 1919:—

"The United States signs the above Protocol with the understanding that its construction and enforcement shall in no way derogate from the entire freedom of the United States to negotiate with non-contracting States of the Western Hemisphere as regards the regulation and control of aerial navigation as set forth in the third reservation of the United States to the Convention."

I have the honour to request that Your Excellency be good enough to furnish a copy of the foregoing to each of the signatory Governments of the Protocol in question, and that likewise you will be good enough to furnish me, for communication to my Government, copies of all reservations made by other signatory Governments.

I have, &c.,

HUGH C. WALLACE.

His Excellency
Monsieur Millerand,
President of the Council,
Minister for Foreign Affairs,
Paris.

MR. PRESIDENT,

Paris, 31st May, 1920.

I HAVE the honour to inform Your Excellency that I have been directed to make the following declaration on behalf of the Government of the United States of America at the time of signing the Aerial Convention signed at Paris on 13th October, 1919:—

"The United States expressly reserves, with regard to Article III, the right to permit its private aircraft to fly over areas over which private aircraft or other contracting States may be forbidden to fly by the laws of the United States, any provision of said Article III to the contrary notwithstanding.

"The United States reserves complete freedom of action as to Customs matters and does not consider itself bound by the provisions of Annex H or any article of the Convention affecting the enforcement of its Customs laws.

"The United States reserves the right to enter into special treaties, conventions, and agreements regarding aerial navigation with the Dominion of Canada, and/or any country in the Western Hemisphere if such Dominion and/or country be not a party to this Convention."

I have been directed further to request Your Excellency to be good enough to communicate a copy of these reservations to each of the signatory Governments, and that likewise you will be good enough to furnish me, for communication to my Government, copies of all reservations made by other signatory Governments.

I have, &c.,

HUGH C. WALLACE.

His Excellency
Monsieur Millerand,
President of the Council,
Minister for Foreign Affairs,
Paris.

29629

No. 27.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 227.)

(New Zealand. No. 109.)

(Union of South Africa. No. 259.)

[MY LORD,] [SIR,]

Downing Street, 17th June, 1920.

WITH reference to my despatch Dominions No. 179, of the 30th April,* and subsequent correspondence respecting the proposed Protocol to the Air Convention, I have the honour to transmit to Your Excellency, for the information of your Ministers, copy of a telegram† from His Majesty's Ambassador at Paris relative to the signature of the Protocol.

2. The Convention and the Protocol were signed on behalf of the United States on the 31st ultimo. I enclose copies of letters‡ addressed on that date by the United States Ambassador to the President of the Ambassadors Conference setting out the reservations subject to which the instruments were signed on behalf of the United States.

I have, &c.,

MILNER.

* No. 14. † Enclosure 1 in No. 26. ‡ Sub-enclosures to enclosure 2 in No. 26.

29629

No. 28.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 57.)

SIR,

Downing Street, 17th June, 1920.

WITH reference to my despatch Dominions No. 179, of the 30th April,* and subsequent correspondence on the subject of the proposed Protocol to the Air Convention, I have the honour to request you to inform your Ministers that the Protocol was signed on behalf of His Majesty, at Paris, on the 4th June.

2. The Convention and the Protocol were signed on behalf of the United States of America on the 31st May. I enclose copies of letters‡ addressed by the United States Ambassador to the President of the Ambassadors Conference on that date setting out the reservations subject to which the instruments were signed on behalf of the United States.

3. The Protocol has also been signed on behalf of the following foreign countries:—Belgium, Bolivia, China, Cuba, Ecuador, France, Greece, Italy, Japan, Panama, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Siam, Czechoslovakia, Uruguay. Brazil and Guatemala, who have signed the Convention, have not signed the Protocol.

I have, &c.,

MILNER.

31687

No. 29.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

) Dominions No. 271.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 2nd July, 1920.

WITH reference to my despatch [No. 371,] [No. 227,] [No. 109,] [No. 259,] [No. 57,] of the 17th June,‡ relative to the signature of the Protocol to the Air Convention, I have the honour to request [Your Excellency] [you] to inform your Ministers that His Majesty's Ambassador at Paris has reported that Haiti, Hedjaz, Honduras, Liberia, Nicaragua, and Peru have not signed either the Convention or the Protocol, although the names of these States appear in the preamble of the Convention.

2. His Majesty's Ambassador further states that he has been informed by the Japanese delegation that the Convention was signed on behalf of Japan on the 29th of May.

I have, &c.,

MILNER.

35041

No. 30.

CANADA.

THE SECRETARY OF STATE to THE ADMINISTRATOR.

[Answered by No. 36.]

(No. 443.)

SIR,

Downing Street, 30th July, 1920.

WITH reference to previous correspondence respecting the International Air Convention, I have the honour to transmit to Your Excellency, for the information of your Ministers, copy of a correspondence with His Majesty's Ambassador at

* No. 14. † Sub-enclosures to enclosure 2 in No. 26. ‡ Nos. 26, 27, and 28.

Paris regarding the ratification of the Air Convention. The Governments of the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland stated in April-May last that they agreed to the ratification of the Convention, and subsequently expressed approval of the Protocol.

2. I also enclose, for the consideration of your Ministers, copy of a note from the French Foreign Office requesting the views of the Government of Canada on the reservations of the United States Government to the Air Convention and Protocol of which you were informed in my despatch No. 371, of the 17th June last.*

I have, &c.,

MILNER.

(32481.)

Enclosure 1 in No. 30.

(No. 1966.)

MY LORD,

Foreign Office, S.W.1, 10th June, 1920.

THE action of the Siamese and Portuguese Governments in deciding definitely to ratify the International Air Convention, and the rumour that Belgium has also done so, has raised the somewhat urgent question whether it would not be desirable in the interests of all parties that the actual deposit at the French Ministry for Foreign Affairs of the ratifications of the various signatory States should take place simultaneously at a date to be agreed upon by the air advisers of the various Powers in Paris.

2. As Your Excellency is aware, His Majesty's Government will not be in a position to ratify the Convention until they have succeeded in passing the necessary legislative measures through Parliament, which cannot now be before the autumn at the earliest, and the Air Ministry has called my special attention to the difficulties which will arise both in respect of the Convention and more particularly with regard to the temporary agreements which are already in existence between His Majesty's Government and various foreign countries, if the ratifications of some signatories are deposited before those of others.

3. I have no doubt that a similar situation exists as regards other countries parties to the Convention, and it would be well for you to call the attention of the French Government to the matter and invite them, if they agree, to circularize all the parties to the Convention to despatch their ratifications to their diplomatic representative in Paris as soon as possible, but at the same time to instruct him to concert with his co-signatory colleagues through his representative, if he has one, on the International Aeronautical Commission in Paris, as to the date when all the ratifications can be deposited simultaneously at the Quai d'Orsay and the Convention then be brought into effect.

4. The Swiss Government is, so far as I am aware, the only ex-neutral State which has decided to become a party to the Air Convention, and if the French Government agree to act as above suggested, they will doubtless consider the advisability of addressing the Swiss Government also.

I am, &c.,

(For the Secretary of State)

VICTOR WELLESLEY.

His Excellency

The Earl of Derby, K.G., G.C.V.O.,

&c., &c., &c.

Enclosure 2 in No. 30.

(No. 1993.)

MY LORD,

Paris, 25th June, 1920.

WITH reference to Your Lordship's despatch No. 1966, of the 10th instant, regarding the ratification of the International Air Convention, I have the honour to report that General Groves, representative of the Air Ministry here, informs me that apparently after the date of Your Lordship's instructions to me, the Air Ministry suggested that ratifications need not be deposited simultaneously by all the Powers who signed the Convention, but only by groups of these Powers having temporary agreements between themselves for International flying, the principal group being that formed by Great Britain, France, Italy, and Belgium.

As this amended proposal is approved by the Aeronautical Commission here, I have addressed a memorandum (copy enclosed herewith) to the Ambassadors Conference in the sense of your despatch, but with this amendment.

I should add that General Groves concurs in its terms.

I have, &c.,

DERBY.

The Right Honourable

The Earl Curzon of Kedleston, K.G., P.C.,

&c., &c., &c.

MEMORANDUM FOR THE SECRETARIAT-GENERAL.

Ratification of the International Air Convention.

THE action of the Siamese and Portuguese Governments in deciding definitely to ratify the International Air Convention has raised the somewhat urgent question of the difficulties which would arise if the ratifications of some signatories are deposited before those of others.

His Majesty's Government, for their part, will not be in a position to ratify the Convention until they have succeeded in passing the necessary legislative measures through Parliament, which cannot now be before the autumn at the earliest.

The difficulties arise from the fact that the International Air Convention comes into force between the contracting States forty days after the ratifications of such States have been deposited at the Quai d'Orsay, and that, when such ratifications have been deposited, the States concerned are bound, under Article V of the Convention, not to permit the flying over their territory of the aircraft of States who have not deposited ratifications.

As the Conference is aware, temporary arrangements for International flying have been made between England, France, Italy, and Belgium. If any of these Powers should deposit their ratifications of the Air Convention before the others, the temporary arrangements made will become null and void *vis-à-vis* the other Powers until the latter have also deposited their ratifications.

Consequently, it is desirable that all ratifications should be deposited on the same date, if civilian aviation now in progress between the countries mentioned above is not to be interrupted and disorganized. In order to overcome this difficulty the Aeronautical Commission has suggested that ratifications should be deposited simultaneously by groups of contracting States, and that Great Britain, France, Italy, and Belgium should form one of these groups. The Aeronautical Commission therefore desires that the Ambassadors of the above States should delay the deposit of ratification until they are notified by the Secretary of the Aeronautical Commission that the other States constituting the group are also in a position to deposit their ratifications.

A similar arrangement could be come to between the other groups of contracting States.

His Majesty's Embassy would be glad to learn whether this proposal is accepted by the other Allied States concerned.

If so, the Secretariat-General will doubtless consider the advisability of addressing the Swiss Government on the matter, as the latter is, so far as the Embassy is aware, the only ex-neutral State which has up to date notified its intention of becoming a party to the Air Convention.

British Embassy,

Paris,

25th June, 1920.

(35041)

Enclosure 3 in No. 30.

Le Ministère des Affaires Etrangères a l'honneur d'informer l'Ambassade de Grande Bretagne à Paris que les Etats-Unis d'Amérique ont signé la Convention portant réglementation de la Navigation aérienne du 13 Octobre, 1919, et le Protocole additionnel du 1er Mai 1920.

Le Gouvernement français n'a pas cru pouvoir admettre que la signature de cette Puissance soit accompagnée, sur le texte de la Convention et sur le texte du Protocole des réserves qu'il désirait formuler, mais M. Hugh C. Wallace lui a fait parvenir les lettres ci-jointes en copie.

Le Ministère des Affaires Etrangères aurait intérêt à savoir si le Gouvernement Britannique et si les Gouvernements du Dominion du Canada, du Commonwealth d'Australie, de l'Union Sud-Africaine, du Dominion de la Nouvelle-Zélande et de l'Inde acceptent ces réserves ou les jugent incompatibles avec les dispositions essentielles de la Convention aéronautique. A son avis la dite Convention ne liera avec les Etats-Unis que les pays qui auront admis les dites réserves.

Le Ministère des Affaires Etrangères a consulté à ce sujet toutes les Puissances signataires; il leur communiquera les réponses qu'il aura reçues.

Paris, le 3 Juillet, 1920.

(No. 4577.)

MONSIEUR LE PRÉSIDENT,

Paris, le 31 Mai, 1920.

J'ai l'honneur d'informer Votre Excellence qu'en signant la Convention sur la réglementation de la Navigation aérienne signée le 13 Octobre, 1919, je suis chargé de faire la déclaration suivante au nom du Gouvernement des Etats-Unis d'Amérique:

"Les Etats-Unis se réservent expressément le droit, relativement à l'Article III, de permettre à ses forces aériennes privées de survoler des zones qui peuvent être interdites aux forces aériennes privées d'autres puissances, par les lois des Etats-Unis, malgré toute clause contraire dans le dit Article III.

"Les Etats-Unis se réservent complète liberté d'action en ce qui concerne les questions de douane et ne se considèrent nullement liés par les clauses de l'Annexe H ou tout autre Article de la Convention touchant la mise en vigueur de ses lois douanières.

"Les Etats-Unis se réservent le droit de signer des traités spéciaux, des conventions ou des arrangements sur la navigation aérienne, avec le Dominion du Canada et tout pays quelconque de l'hémisphère occidental, si le Dominion ou ce pays ne font pas partie de la Convention."

Je suis chargé, en outre, de prier Votre Excellence de vouloir bien communiquer copie de ces réserves à chacun des Gouvernements signataires, et de vouloir bien, d'autre part, me fournir pour transmission à mon Gouvernement, copie des réserves faites par les autres Gouvernements signataires.

Agréez les assurances, etc.,

HUGH C. WALLACE.

Son Excellence

Monsieur Millerand,

Président du Conseil,

Ministre des Affaires Etrangères,

Paris.

(No. 4577.)

MONSIEUR LE PRÉSIDENT,

Paris, le 31 Mai, 1920.

J'ai l'honneur d'informer Votre Excellence qu'en signant le Protocole à la Convention aérienne du 13 Octobre, 1919, je suis chargé de faire la réserve d'interprétation suivante au nom du Gouvernement des Etats-Unis d'Amérique:

"Les Etats-Unis signant le Protocole ci-dessus avec l'entente que ni sa construction ni sa mise en vigueur n'entraveront en rien l'entière liberté des Etats-Unis de négocier avec des Etats non-contractants de l'hémisphère occidental relativement à la réglementation et au contrôle de la navigation aérienne ainsi qu'il est stipulé à la Troisième Réserve faite à la Convention par les Etats-Unis."

J'ai l'honneur de prier Votre Excellence de vouloir bien faire parvenir à chacun des Gouvernements signataires du Protocole la copie de ce qui précède, et de me fournir, pour communication à mon Gouvernement, le texte de toutes les réserves présentées par les autres Gouvernements signataires.

Agréez les assurances, etc.,

HUGH C. WALLACE.

Son Excellence

Monsieur Millerand,

Président du Conseil,

Ministre des Affaires Etrangères,

Paris.

35041

No. 31.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by No. 38.]

(Commonwealth of Australia. No. 289.)

(New Zealand. No. 144.)

(Union of South Africa. No. 306.)

[MY LORD,] [SIR,]

Downing Street, 30th July, 1920.

WITH reference to Your Excellency's telegram of the [3rd May*] [30th April†] [20th April‡] regarding the ratification of the Air Convention, I have the honour to transmit to you, for the information of your Ministers, copy of a correspondence§ with His Majesty's Ambassador at Paris on the subject.

2. I also enclose, for the consideration of your Ministers, copy of a note|| from the French Foreign Office requesting the views of [the Commonwealth Government] [the New Zealand Government] [the Union Government] respecting the reservations of the United States Government to the Air Convention and Protocol of which you were informed in my despatch [No. 227,] [No. 109,] [No. 259,] of the 17th June.¶ I also enclose copy of a note from the French Foreign Office acknowledging the receipt of certain reservations in connexion with the Convention and Protocol which have been notified on behalf of the Canadian Government. A copy of an Approved Minute of Council, dated the 7th February,** indicating the reservations to the Convention which the Canadian Government then thought necessary, is also enclosed.

I have, &c.,

MILNER.

(33771)

Enclosure in No. 31.

Le Ministère des Affaires Etrangères a l'honneur d'informer l'Ambassade de Grande-Bretagne qu'il a reçu les deux lettres qui lui ont été adressées par M. Georges Perley, Haut-Commissaire du Canada à Londres, le 13 Avril et le 1er Juin, 1920, lettres notifiant un certain nombre de réserves faites par le Gouvernement du Canada en ce qui concerne différentes dispositions de la Convention portant réglementation de la navigation aérienne du 13 Octobre 1919, ainsi que du Protocole additionnel du 12 Avril, 1920.

En accusant réception de ces documents, le Ministère des Affaires Etrangères n'entend préjuger en rien de l'acceptation ou du refus par le Gouvernement français des réserves dont il s'agit.

Des mesures sont prises pour que la double notification de M. Georges Perley soit portée à la connaissance des Puissances signataires de la Convention aérienne.

Paris, le 26 Juin, 1920.

35041

No. 32.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 37.]

(No. 73.)

SIR,

Downing Street, 30th July, 1920.

WITH reference to your telegram of the 30th April†† regarding the ratification of the Air Convention, I have the honour to transmit to you, for the information of your Ministers, copy of a correspondence§ with His Majesty's Ambassador at Paris on the subject.

2. A note|| has been received from the French Foreign Office relative to the reservations of the United States Government to the Air Convention and Protocol of which you were informed in my despatch No. 57, of the 17th June.‡‡ In this note the French Government inquire whether His Majesty's Government accept

* No. 16. † No. 13. ‡ No. 12. § Enclosures 1 and 2 in No. 30. || Enclosure
§ in No. 30. ¶ No. 27. ** Enclosure in No. 10. †† No. 15. ‡‡ No. 28.

these reservations or regard them as incompatible with the essential provisions of the Convention, and add that in their opinion the Convention will bind with the United States only those countries which accept these reservations. If your Government have any observations to offer on the subject, I shall be glad to receive them in due course. As will be seen from the enclosed copy of a note from the French Foreign Office, of the 26th June,* certain reservations in connexion with the Convention and Protocol have been notified on behalf of the Canadian Government also. A copy of an Approved Minute of Council, dated the 7th February,† indicating the reservations which the Canadian Government then thought necessary, is also enclosed.

I have, &c.,

MILNER.

40704

No. 33.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland. No. 91)

Dominions. Treaty No. 28.)

[MY LORD DUKE.] [MY LORD.] [SIR.] Downing Street, 21st August, 1920.

With reference to my despatch Dominions No. 271, of the 2nd July,‡ I have the honour to request [Your Excellency] [you] to inform your Ministers that Peru acceded to the Air Convention and Protocol on the 22nd June.

[Not to Newfoundland: A certified copy of the notification§ of accession is enclosed.]

I have, &c.,

MILNER.

42532

No. 34.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
and GOVERNOR.

(Commonwealth of Australia. No. 355.)
(New Zealand. No. 179.)
(Union of South Africa. No. 362.)
(Newfoundland. No. 101.)

[MY LORD.] [SIR.] Downing Street, 1st September, 1920.

With reference to my despatch [No. 289] [No. 144] [No. 306] [No. 73] of the 30th of July,|| I have the honour to transmit to [Your Excellency] [you] for the information of your Ministers, copies of communications addressed by Sir G. Perley to M. Millerand on the 13th of April and the 1st of June, relative to the Canadian reservations to the Air Convention and Protocol.

I have, &c.,

MILNER.

Enclosure 1 in No. 34.

Office of the High Commissioner for Canada,
19, Victoria Street, London, S.W.1, 13th April, 1920.
YOUR EXCELLENCY,
I HAVE the honour to inform Your Excellency that in signing on behalf of Canada the Aerial Convention of 13th October, 1919, the Government of Canada has directed me to make the following reservations:—

1. Article V.—That notwithstanding, etc., etc. [See enclosure in No. 10.] [For reservations 2, 3, 4, 5, 6, 7, and 8, see enclosure in No. 10.]
9. Annex H.—That the provisions of this Annex need not be followed.

* Enclosure in No. 31.

† Enclosure in No. 10.

‡ No. 29.

§ Not printed

|| Nos. 31 and 32.

I am also to request that Your Excellency will kindly have a copy of these reservations forwarded to each of the Governments that are parties to the Convention.

I have, &c.,

GEORGE H. PERLEY.

His Excellency

Monsieur Alexandre Millerand,
President of the Council,
Minister of Foreign Affairs,
&c., &c., &c.
Paris.

Enclosure 2 in No. 34.

Office of the High Commissioner for Canada,

19, Victoria Street, London, S.W.1, 1st June, 1920.

YOUR EXCELLENCY,

I HAVE the honour to inform Your Excellency that in signing the Protocol to the Aerial Convention of 13th October, 1919, the Government of Canada wishes me to make the following reservation, in addition to those contained in my communication of 13th April, 1920:—

"The Government of Canada signs the above Protocol with the understanding that its construction and enforcement shall in no way interfere with the entire freedom of Canada to arrange and negotiate with the United States of America as regards the regulation and control of aerial navigation between the two countries."

The Government of Canada begs to request Your Excellency to kindly communicate a copy of this reservation to each of the signatory Governments.

I have, &c.,

GEORGE H. PERLEY.

His Excellency

Monsieur Alexandre Millerand,
President of the Council,
Minister of Foreign Affairs,
&c., &c., &c.
Paris.

43194

No. 35.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 384.)

[MY LORD DUKE.] [MY LORD.] [SIR.] Downing Street, 3rd September, 1920.

With reference to my despatch [No. 443] [No. 289] [No. 144] [No. 306] [No. 73] of the 30th of July,* I have the honour to transmit to [Your Excellency] [you] for the information of your Ministers, a copy of a note from the Secretariat-General of the Peace Conference regarding the ratification by the Belgian Government of the Air Navigation Convention.

I have, &c.,

MILNER.

* Nos. 30, 31 and 32.

Enclosure in No. 35.

Conférence de la Paix,
Secrétariat Général,
Paris, le 21 Août, 1920.

Le Secrétariat Général de la Conférence de la Paix a l'honneur de faire connaître à la Délégation Britannique que, comme suite au memorandum du 25 Juin, de l'Ambassade Britannique, au sujet de la ratification de la Convention de la navigation aérienne, memorandum transmis par le Secrétariat Général de la Conférence de la Paix le 30 Juin dernier, la Délégation Belge a fait connaître au Secrétariat Général de la Conférence de la Paix que son Gouvernement ne voit aucune objection à faire surseoir au dépôt des ratifications du Gouvernement du roi jusqu'au moment où la France, l'Angleterre et l'Italie seront également en mesure de procéder à cette formalité.

Délégation Britannique.

47602

No. 36.
CANADA.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 21st September, 1920.)

(No. 570.)

MY LORD,

Ottawa, 8th September, 1920.

WITH reference to your despatch No. 443, of the 30th July, 1920,* regarding the ratification of the Air Convention, I have the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs setting forth the views of the Canadian Government.

I have, &c.,
L. H. DAVIES,
Deputy Governor-General.

Enclosure in No. 36.

DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 4th September, 1920.

WITH reference to a despatch from the Secretary of State for the Colonies to the Governor-General, dated the 30th July, 1920, regarding the ratification of the Air Convention, I have the honour to represent that the Canadian Government has no serious objection to the reservations proposed to be made by the United States Government to the Convention relating to International Air Navigation or the Protocol. The proposed reservation of the right to permit its national aircraft to fly over areas over which flying by aircraft registered in other States is forbidden may give rise to inconvenience, but it does not seem probable that that right will be taken general advantage of by the Government of the United States, and any inconvenience is likely to be minimized by the proper marking on aeronautical maps of the prohibited areas in question.

The despatch under consideration does not deal with the position in which Canada would be placed by insisting upon the reservations of which notice was given at the time of the signature of the Convention on its behalf. These proposed reservations are more numerous than those proposed by the United States, but there is only one of them which is a reservation affecting the clauses of the Convention itself: the remaining proposed reservations relate only to the provisions of the technical annexes which the Commission for International Air Navigation to be set up under the Convention has power to change. The one reservation Canada proposed to make to the terms of the Convention itself is that reserving the right to make a special arrangement with the United States notwithstanding that it does not become a party to the Convention. If there is no objection to the reservations by the United States, there can be none to this single reservation on the part of Canada, and it is considered that any possible difficulty with regard to the remaining proposed reservations on subjects dealt with in the technical annexes could be readily removed as hereinafter suggested.

* No. 30.

The reason this latter class of reservation was made was that, rightly or wrongly, the technical advisers of the Canadian Government were of opinion that certain of the provisions of the technical annexes were either impossible to carry out, unnecessarily dangerous, or inconvenient and useless. Such questions are peculiarly susceptible of solution by discussion. There is no doubt that if the soundness of the views referred to was admitted by the technical representatives of other contracting States the technical annexes would be changed, while on the other hand suggestions might be made by these other technical representatives which would remove the difficulties now felt by the technical advisers of the Government of Canada.

A communication, dated on the 8th of April last and addressed by Captain T. A. Roper, the Secretary of the Aeronautical Commission of the Peace Conference, to Sir George Perley, the High Commissioner for Canada, contains the following paragraph (translation):—

"I beg further to draw your attention to the fact that no limit of time has been imposed for the ratification of the Convention of the 13th of October, 1919, by the contracting States, with the result that the fact that you signed the Convention without formulating any reservation will not result in your Government being obliged to ratify the Convention before the Commission for International Air Navigation has examined, at the request of any of the contracting States, the points which are giving you concern."

The Canadian Government ventures to suggest that, as the reservations of which notice has been given have apparently all come from this continent, where the distances and the physical and political geography are such as to make it especially suitable for air transport, and to which certain peculiar considerations apply, it would be extremely advantageous if the first meeting of the Commission to be constituted under the Convention were held on this side of the Atlantic, and if some place in the United States or Canada were selected for its assembly.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have, &c.,
JOSEPH POPE,
Under-Secretary of State
for External Affairs.

48814

No. 37.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4th October, 1920.)

(No. 158.)

MY LORD,

Government House, St. John's, 16th September, 1920.

I HAVE the honour to acknowledge the receipt of your despatch No. 73, of the 30th July,* with accompanying copy of correspondence with His Majesty's Ambassador at Paris regarding the ratification of the Air Convention, and to inform you that my Ministers have no observations to offer on the subject.

I have, &c.,
C. ALEXANDER HARRIS.

58988

No. 38.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd December, 1920.)

(No. 166.)

MY LORD,

Government House, Wellington, 20th October, 1920.

WITH reference to Your Lordship's despatch No. 144, of the 30th July,† enclosing copy of a note from the French Foreign Office, asking for the views of

* No. 32. † No. 31.

the Government of New Zealand regarding the reservations of the United States Government to the Air Convention and Protocol, I have the honour to inform you that I have been advised by my Prime Minister to reply that, in order that His Majesty's Government may not be embarrassed in executing its foreign policy with regard to aerial navigation, the Government of New Zealand are prepared to adopt the decision arrived at by His Majesty's Ministers as to the acceptance or otherwise of the reservations in question.

I have, &c.,
JELLICOE,
Governor-General.

ANTARCTIC. Future Control.

1959

No. 39.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by Nos. 42 and 44.]

(Commonwealth of Australia.)
(New Zealand.)

(Secret.)

[SIR,] [MY LORD,]

Downing Street, 6th February, 1920.

I HAVE the honour to request Your Excellency to inform your Ministers that His Majesty's Government have had under their consideration the future policy of the Empire in the Antarctic regions, and in particular the question of the control of the mainland and of the neighbouring waters.

2. This area is of great size though as yet of little economic importance except in the case of the Dependencies of the Falkland Islands. I am informed by the Lords Commissioners of the Admiralty that if the theoretical boundary of the Antarctic regions is to be taken as the extreme limit of the pack ice, the area is approximately 18,700,000 square miles, of which 12,200,000 miles have been definitely ascertained to be sea, while some 500,000 miles are more or less definitely known to be land.

3. During the War certain of these waters assumed importance owing to the need for glycerine, in which whale oil is rich. Two-thirds of the world's supply of whale oil and the whole supply of elephant oil is obtained in the Dependencies of the Falkland Islands in Antarctic or sub-Antarctic seas. The evidence taken by the Departmental Committee, which has been investigating research and development in these Dependencies, has drawn attention to the possibility that other industries may arise connected with the very abundant animal life of Antarctic regions and with the minerals known to be existing in places. I hope soon to be able to furnish your Ministers with copies of the Committee's report,* which lays stress on the importance of preventing the partial destruction or extinction of valuable animals which has unfortunately characterized the exploitation of Arctic and sub-Arctic regions. It is obvious that a single Power having control of the Antarctic generally would be in a position to take more effective measures than are now possible to conserve animal life.

4. From the point of view of your Government, however, it is likely that more importance should be attached to the possibility that the progress of knowledge may in time make safe the waters now avoided by commerce owing to danger of ice. In such circumstances Antarctic seas might be expected to be traversed by trade routes of increasing importance between South America, South Africa, Australia, and New Zealand, so that the control of the islands in and land adjacent to these seas might become important to British interests in the southern hemisphere, and the establishment of harbours and stations might become economical.

* [Cmd. 857.]

5. The increasing radius of action of submarines and aircraft will tend to interest your Government in any territories where preparations might secretly be made for raiding operations.

6. It is hardly necessary to point out that the interest of the British Empire in these questions is, as compared with that of other nations, overwhelming. With the exception of portions of Chile and Argentina, and a few barren islands belonging to France, every inhabited land in the direction of the Antarctic regions is already British. An enormous predominance of the vessels which enter the neighbouring seas is British.

7. His Majesty's Government have, therefore, come to the conclusions that it is desirable that the whole of the Antarctic should ultimately be included within the British Empire, and that, while the time has not yet arrived that a claim to all the continental territories should be put forward publicly, a definite and consistent policy should be followed of extending and asserting British control with the object of ultimately making it complete.

8. With this end in view a careful examination has been made of the extent of possible foreign claims, the result of which is to show that British claims in the continental territories of the Antarctic, whether by discovery, formal landing or otherwise, greatly outweigh those of other countries, and that since the abandonment of all German claims under Article 118 of the Treaty of Peace, France is the only Power in a position to put forward any reasonable ground for a share in these lands. The Islands of Kerguelen and the Crozets have been effectively occupied by France, and claims might be advanced based on the discoveries of D'Urville and Charcot. The former made a formal landing at Anvers Island near Adélie Land, in 1840, at which he took possession of the Island and adjacent coast in the name of France.

9. The only two parts of the continent which are readily accessible—and, it may be added, of any proved value—are Grahamland and the Ross Sea coast. The Letters Patent of 21st July, 1908, and 28th March, 1917, of which copies are enclosed, established full British sovereignty for the former and over all the neighbouring sub-Antarctic islands; and the establishment of magistracies in South Georgia and the South Shetlands constitutes an effective control which will be reinforced by the operations of the research vessels to be provided, if the report of the Committee referred to in the 3rd paragraph is adopted. In the case of the Ross Sea there has been no similar assertion of sovereignty, but the work of Ross, Scott, Shackleton, Mawson and their colleagues furnishes indisputable claims to the greater part of the lands in this area, which has always been associated with British and Australian enterprise. I suggest, therefore, that it is highly desirable that immediate steps should be taken to assert British sovereignty over the Ross Sea coasts and their hinterland, which might be defined as including all territories and islands south of New Zealand between the meridians of 150° east and west, and some limit to be fixed to the north. It is not considered that it would be necessary to set up any resident administration, at all events until projects for whaling, sealing, or mining have matured, as the British character of the ports from which expeditions to the Ross Sea would ordinarily obtain supplies would enable necessary regulations, such as, for example, limitations on the destruction of certain animals, to be communicated and in most cases enforced.

10. The question, however, which of the partners in the Empire should be entrusted with control of the new territory requires settlement. New Zealand, as being the nearest and possessing the most convenient ports, appears at first sight best situated for this purpose, but the matter is one which should in my opinion in the first place be discussed between the Governments of the Commonwealth of Australia and Dominion of New Zealand.

11. I am writing similarly to the Governor-General of [New Zealand] [Australia,] and would invite the two Governments to exchange views with regard to the policy which I have outlined, and in particular with regard to the control of the Ross Sea area. You will no doubt communicate to me in due course the result of these deliberations.

12. I am sending a copy of this despatch to the other self-governing Dominions.

I have, &c.,
(For the Secretary of State),
L. S. AMERY.

1959

No. 40.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.)
(Union of South Africa.)
(Newfoundland.)
(Secret.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 6th February, 1920.

I HAVE the honour to transmit, for the secret information of your Ministers, copy of a despatch* which I have addressed to the Governor-General of the Commonwealth of Australia and of New Zealand, with regard to the future control of the Antarctic regions.

I have, &c.,
(For the Secretary of State),
L. S. AMERY.

13102

No. 41.

ADMIRALTY TO COLONIAL OFFICE.

(Received 11th March, 1920.)

SIR, Admiralty, S.W.1, 10th March, 1920.

WITH reference to your letter of the 7th ultimo,† forwarding a copy of a Secret despatch addressed to the Governors-General of the Commonwealth of Australia and of New Zealand, and to the Governments of the other self-governing Dominions, respecting the future control of the Antarctic regions, I am commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that a slight mistake has been made in the statement that D'Urville "made a formal landing at Anvers Island near Adélie Land, in 1840," these two places being separated by the width of the Antarctic Continent. Biscoe landed at Anvers Island in 1832, D'Urville on an unnamed islet off Adélie Land in 1840. Details of both these landings are given on the same page of the Admiralty Hydrographic Department's report on Antarctic territorial claims, and it is suggested the mistake probably arose from that fact.

2. In connexion with the proposed definitions of the Ross Sea territory, it is noted that they only include a portion of King George V Land, and exclude the site of Mawson's main base, which is probably the best landing-place in that region. In view of the strong French claim to Adélie Land, however (which might also be strained to cover Victoria Land), it seems preferable that a claim should not, at present, be put forward to the whole of King George V. Land.

3. As regards the northern limit of this territory, the attached chartlet‡ shows, on a small scale, the present limits (from chart X 235) of the dependencies of Tasmania and New Zealand. It is suggested that it would be well if the northern limit of the Ross Sea territory were assimilated to these, and that its position should be left in abeyance until some understanding has been arrived at between the Australian and New Zealand Governments as to which should control the new territory.

I am, &c.,
W. F. NICHOLSON.

* No. 39. † 1959: not printed; the letter only forwarded copies of No. 39. ‡ Not reproduced.

32048

No. 42.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th June, 1920.)

(Secret.)

MY LORD, Government House, Wellington, 23rd April, 1920.

WITH reference to your Secret despatch of the 6th February,* relative to the future policy of the Empire in the Antarctic regions, and in particular to the question of the control of the mainland and of the neighbouring waters, I have the honour to inform Your Lordship that my Government has asked Sir James Allen to discuss this question with the Imperial Authorities, on arrival in London, as High Commissioner.

I have, &c.,
LIVERPOOL,
Governor-General.

32048

No. 43.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.10 p.m., 11th October, 1920.)

TELEGRAM.

[Answered by No. 44.]

(Paraphrase.)

REFERRING to my despatch (Secret) of 6th February,* Antarctic; suggest that Millen might discuss best method of dealing with problem with His Majesty's Government and representative of New Zealand Government.—MILNER.

52078

No. 44.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.35 p.m., 22nd October, 1920.)

TELEGRAM.

(Paraphrase.)

REFERRING to your telegram, 11th October,† as to Antarctic problem, Commonwealth Government concur in suggestion. Millen will be advised accordingly. Glad if copy of your despatch of 6th February* could be supplied to him.—GOVERNOR-GENERAL.

Note.—A memorandum on this subject is printed as Dominions No. 78.

* No. 39. † No. 43.

ARBITRATION AGREEMENTS.

Denmark.

(Treaty Series, 1916, No. 3.)

48627

No. 45.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 46.]

(Canada
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 432.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 9th October, 1920.

WITH reference to Mr. Bonar Law's despatch No. [1080.] [842.] [628.] [941.] [591.] of the 13th of November, 1915,* I have the honour to request [Your Excellency] [you] to inform your Ministers that the period of validity of the Arbitration Convention concluded with Denmark on 25th October, 1905, will expire on the 4th of May, 1921, unless it is renewed on or before that date.

2. His Majesty's Government propose, in accordance with the established policy which they understand is in harmony with the views of your Ministers, to renew the agreement in due course.

I have, &c.,
MILNER.

56045

No. 46.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 15th November, 1920.)

(No. 194.)

MY LORD, Government House, St. John's, 30th October, 1920.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 432 of the 9th October,† on the subject of the Arbitration Convention concluded with Denmark on 25th October, 1905, and to inform you that the renewal of this agreement is in harmony with the views of my Ministers.

I have, &c.,
C. ALEXANDER HARRIS.

United States, France, Italy, Spain.

(Treaty Series, 1919, No. 2.)

9208

No. 47.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 140.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th February, 1919.

WITH reference to Lord Harecourt's despatch Nos. [191.] [140.] [110.] [119.] [83.] of the 13th of March, 1914,‡ I have the honour to transmit to [Your Excellency,]

* 51285/15: not printed. These despatches asked for the views of the Dominion Governments as to renewal for the period 1916-21.

† No. 45.

‡ This forwarded copies of Treaty Series No. 3, of 1914. See also No. 12 in Dominions No. 61.

[you,] for the information of your Ministers, the accompanying copy of correspondence regarding the prolongation, for a further period of five years, of the Arbitration Agreement between the United Kingdom and Spain which was signed on the 27th of February, 1904.

I have, &c.,
MILNER.

Enclosure 1 in No. 47.

(No. 74.)

MY LORD,

Spanish Embassy, London, 1st February, 1919.

THE Government of His Majesty the King, my August Sovereign, being desirous of maintaining the purposes of the Arbitration Agreement between Spain and Great Britain of 27th February, 1904, which was prolonged on 27th February, 1909, and 27th February, 1914; and being aware of the same desire on the part of His Britannic Majesty's Government, considers the said Agreement prolonged for a fresh period of five years, counting from the 27th of the present month.

I avail myself, &c.,

To the Right Honourable
Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

Enclosure 2 in No. 47.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 1st February, 1919.

I HAVE the honour to acknowledge the receipt of your note of this day's date expressing the desire of the Spanish Government to maintain in force for a further period of five years the Arbitration Agreement between the United Kingdom and Spain, which was signed on 27th February, 1904, and has been successively prolonged for similar periods commencing on 27th February, 1909, and 27th February, 1914, respectively.

His Majesty's Government, who are animated by the same desire, note that the Spanish Government consider the Agreement in question prolonged for a fresh period of five years dating from the 26th instant. His Majesty's Government, on their part, equally consider the Agreement prolonged for the same period, and the present exchange of notes between Your Excellency and myself is accordingly regarded by them as placing on record the understanding arrived at between our respective Governments in the matter.

I have, &c.,
(FOR EARL CURZON OF KEDLESTON)
J. A. C. TILLEY.

His Excellency

Senor Don Alfonso Merry del Val.
&c., &c., &c.

21850

No. 48.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNOR.(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 334.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 5th May, 1919.

WITH reference to Lord Harecourt's despatch Nos. [191.] [140.] [110.] [119.] [83.] of the 13th of March, 1914,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of correspondence regarding the prolongation for a further period of five years of the Arbitration Agreement concluded between His Majesty's Government and the Italian Government on the 1st of February, 1904, and renewed in January, 1914.

I have, &c.,
MILNER.

* This enclosed a copy of Treaty Series No. 4 of 1914. See also No. 12 in Dominions No. 61.

Enclosure 1 in No. 48.

(Translation.)

My LORD,

London, 31st January, 1919.

In reply to Your Excellency's Note of the 27th December last, I have the honour to inform Your Excellency that the Government of the King are also ready to renew for five years from the date of its expiration the Arbitration Agreement concluded between the British Government and the Italian Government on the 1st of February, 1904, and renewed in January, 1914, by an exchange of Notes between myself and Your Excellency's predecessor.

Should Your Excellency agree to this procedure, it will be understood that this Note and Your Excellency's reply will serve to place on record the understanding arrived at on the subject between our two Governments.

I have, &c.,
IMPERIALI.

Enclosure 2 in No. 48.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 31st January, 1919.

I HAVE the honour to acknowledge the receipt of your Note of this day's date, informing me that the Italian Government are prepared to renew, for a further period of five years, the Arbitration Agreement concluded between the Governments of Great Britain and Italy on the 1st February, 1904, and renewed by the exchange of Notes of 31st January, 1914, on the understanding that His Majesty's Government are equally prepared to agree to such further renewal.

I have the honour, on behalf of His Majesty's Government, to accept this proposal and the present exchange of Notes between Your Excellency and myself is accordingly regarded by them as placing upon record the understanding arrived at between our respective Governments in the matter.

I have, &c.,
CURZON OF KEDLESTON.

His Excellency

The Marquis Imperiali,
&c., &c., &c.

30147

No. 49.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND
GOVERNOR.

(Canada.	} Dominions No. 389.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 16th May, 1919.

WITH reference to my predecessor's despatches Dominions No. 566 of the 10th of October, 1918, and Dominions No. 626 of the 31st of October, 1918,* and to my despatches Dominions No. 140 of the 28th of February, and Dominions No. 334 of the 5th of May,† I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 10] containing documents relating to the renewal of the existing Arbitration Agreements between the United Kingdom and France, Italy, and Spain, and of the Arbitration Convention between the United Kingdom and the United States.

I have, &c.,
MILNER.

* Nos. 19 (United States) and 20 (France) in Dominions No. 61.
in this section.

† Nos. 47 (Spain) and 48 (Italy)

Netherlands.
(Treaty Series, 1920, No. 15.)

63368

No. 50.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND
GOVERNOR.

[Answered by Nos. 51, 52, 53, 54, and 55.]

(Canada.	} Dominions No. 822.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 19th November, 1919.

WITH reference to Mr. Bonar Law's despatch No. [753,] [560,] [436,] [626,] [410,] of the 10th of August, 1915,* I have the honour to request [Your Excellency,] [you,] to inform your Ministers that the Arbitration Convention between the United Kingdom and the Netherlands, last renewed in 1915, will expire on 12th July next unless formally renewed by means of a further agreement between the High Contracting Parties.

2. His Majesty's Government propose, in accordance with the established policy, which, they understand, is in harmony with the views of your Ministers, to take steps for the renewal of the Convention in due course.

I should be glad to know whether your Ministers agree.

I have, &c.,

MILNER.

1263

No. 51.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th January, 1920.)

[Answered by No. 56.]

(No. 936.)

SIR,

Government House, Ottawa, 29th December, 1919.

WITH reference to Lord Milner's despatch No. 822, of the 19th November,† on the subject of the renewal of the Arbitration Agreement between the United Kingdom and the Netherlands, I have the honour to transmit, herewith, copies of a minute of Council concurring in the action which His Majesty's Government propose to take in this matter.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 51.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED
BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 20TH DECEMBER, 1919.

(P.C. 2512.)

THE Committee of the Privy Council, on the recommendation of the Secretary of State for External Affairs, to whom was referred a despatch from the Secretary of State for the Colonies, dated 19th November, 1919, informing Your Excellency's Ministers that the Arbitration Convention between the United Kingdom and the Netherlands, last renewed in 1915, will expire on the 12th July, 1920, unless

* 32652: not printed. This enclosed copy of [Cd. 7962], containing the previous agreement renewing the Convention.
† No. 50.

formally renewed by means of a further agreement between the High Contracting Parties, advise that Your Excellency may be pleased to inform the Secretary of State for the Colonies that Your Excellency's Ministers concur in the action which His Majesty's Government propose to take in due course, looking to a renewal of this agreement.

F. K. BENNETTS,
Assistant Clerk of the Privy
Council.

3222

No. 52.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 a.m., 19th January, 1920.)

TELEGRAM.

[Answered by No. 56.]

19TH JANUARY, 1920. With reference to your despatch 19th November Dominions No. 822,* renewal Arbitration Convention between United Kingdom and Netherlands, Government of Commonwealth of Australia has no objection.—
MUNRO FERGUSON.

3792

No. 53.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd January, 1920.)

[Answered by No. 56.]

(No. 940.)

MY LORD, Governor-General's Office, Pretoria, 29th December, 1919.
WITH reference to Your Lordship's despatch Dominions No. 822, of the 19th November,* I have the honour to transmit the accompanying copy of a minute from my Ministers regarding the renewal of the Arbitration Convention between the United Kingdom and the Netherlands.

I have, &c.,
BUXTON,
Governor-General.

Enclosure in No. 53.

(Minute No. 1801.)

Prime Minister's Office, 24th December, 1919.
IN acknowledging the receipt of the Governor-General's Minute No. 62/1344, of 19th December, on the subject of the renewal of the Arbitration Convention between the United Kingdom and the Netherlands, Ministers have the honour to inform His Excellency that they agree to steps being taken by His Majesty's Government for the renewal of the Convention.

T. WATT.

* No. 50.

10749

No. 54.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28th February, 1920.)

[Answered by No. 56.]

(No. 17.)

SIR, Government House, St. John's, 29th January, 1920.
I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 822, of the 19th November, 1919,* on the subject of the renewal of the Arbitration Convention between the United Kingdom and the Netherlands, and to inform you that my Ministers agree in the proposal of His Majesty's Government to renew the Convention in due course.

I have, &c.,
C. ALEXANDER HARRIS.

12321

No. 55.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th March, 1920.)

[Answered by No. 56.]

(No. 16.)

MY LORD, Government House, Wellington, 22nd January, 1920.
WITH reference to your despatch, Dominions No. 822, of the 19th November, 1919,* I have the honour to inform Your Lordship that my Government concur in the proposed renewal of the Arbitration Convention between the United Kingdom and the Netherlands.

I have, &c.,
LIVERPOOL,
Governor-General.

38861

No. 56.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.	} Dominions No. 334.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 12th August, 1920.
WITH reference to my despatch Dominions No. 822, of the 19th November,* and to [To Canada only: your despatch No. 936 of the 29th December last,†] [To Commonwealth of Australia only: your telegram of the 19th January last,‡] [To New Zealand only: Lord Liverpool's despatch No. 16, of the 22nd January last,§] [To Union of South Africa only: your despatch No. 940, of the 29th December last,||] [To Newfoundland only: your despatch No. 17, of the 29th January last,¶] I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a Convention,** signed on 1st June last, extending for a further period of five years, the Arbitration Convention of 15th February, 1905, between the United Kingdom and the Netherlands.

2. The ratifications of the Convention were exchanged at the Foreign Office on the 11th July, and the Convention will now be published in the Treaty Series of Parliamentary Papers.

I have, &c.,
MILNER.—

* No. 50. † No. 51. ‡ No. 52. § No. 55. || No. 53. ¶ No. 54.
** Subsequently published as Treaty Series, 1920, No. 15.

Norway (a), Sweden (a), Portugal (a), and Switzerland (b).
 ((a) *Treaty Series*, 1920, No. 4: (b) *Treaty Series*, 1915, No. 3.)

28372

No. 57.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
 AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 402.)
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[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 21st May, 1919.

I HAVE the honour to request [Your Excellency] [you] to inform your Ministers that, as the Arbitration Agreements concluded with Norway, Sweden, Portugal, and Switzerland will expire during the course of the present year on the following dates—Norway, Sweden, 9th November, 1919; Portugal, Switzerland, 16th November, 1919, unless renewed on or before these dates, His Majesty's Government propose, in accordance with the established policy, which they understand is in harmony with the views of your Ministers, to renew those agreements in due course.

I have, &c.,

MILNER.

56745

No. 58.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND
 GOVERNOR.

(Sent 10.50 a.m., 7th October, 1919.)

TELEGRAM.

[Answered by Nos. 59, 60, 61, 62, and 64.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Newfoundland.)

7TH OCTOBER. Reference to my despatch of 21st May,* Dominions No. 402. Do your Ministers see any objection to renewal Arbitration Agreements? Telegraph reply.—MILNER

57652

No. 59.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.35 a.m., 8th October, 1919.)

TELEGRAM.

[Answered by No. 65.]

YOUR telegram, 7th October.† No objection to course proposed in your despatch 21st May,* renewal Arbitration Agreements.—LIVERPOOL.

* No. 57. † No. 58.

58348

No. 60.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.45 p.m., 10th October, 1919.)

TELEGRAM.

[Answered by No. 65.]

YOUR telegram, 7th October,* renewal Arbitration Agreements. My Ministers have no objection to offer.—HARRIS.

59950

No. 61.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 2.53 p.m., 18th October, 1919.)

TELEGRAM.

[Answered by No. 65.]

18TH OCTOBER. With reference to your telegram 7th October,* my Ministers have no objection to renewal of Arbitration Agreements mentioned in your despatch 21st May, Dominions No. 402.†—BUXTON.

61379

No. 62.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.30 a.m., 25th October, 1919.)

TELEGRAM.

[Answered by No. 65.]

24TH OCTOBER. Your telegram 23rd October.‡ Government of Canada agrees to renewal of certain Arbitration Agreements with Norway, Sweden, Portugal, and Switzerland.—DEVONSHIRE.

61379

No. 63.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.40 p.m., 1st November, 1919.)

TELEGRAM.

[Answered by No. 64.]

1ST NOVEMBER. Referring to my telegram of 7th October,* presumed that in absence of reply Commonwealth Government have no objection to renewal Arbitration Agreements referred to in my despatch of 21st May, Dominions No. 402,† and arrangements being made accordingly.—MILNER.

* No. 58.

† No. 57.

‡ 56745, reminder of No. 58.

64298

No. 64.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 p.m., 8th November, 1919.)

TELEGRAM.

[Answered by No. 65.]

8TH NOVEMBER. Your telegram 23rd October,* arbitration regarding agreements Norway, Sweden, Portugal, and Switzerland. Commonwealth Government has no objection to renewal.—FERGUSON.

87664

No. 65.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 869.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 16th December, 1919.

WITH reference to [To Canada: Your Excellency's despatch No. 796, of the 29th of October,†] [To Commonwealth of Australia: Your Excellency's telegram, of the 8th of November,‡] [To New Zealand: Your Excellency's despatch No. 179, of the 29th of September,§] [To Union of South Africa: Your Excellency's telegram, of the 16th of October,§] [To Newfoundland: Your telegram of the 10th of October,||] I have the honour to transmit to you, for the information of your Ministers, copies of correspondence between His Majesty's Minister at Lisbon and the Portuguese Minister for Foreign Affairs, relative to the renewal of the Arbitration Agreement between Great Britain and Portugal signed at London on the 16th of November, 1914.

I have, &c.,
(for the Secretary of State)
L. S. AMERY.

Enclosure 1 in No. 65.

His Britannic Majesty's Legation,

Lisbon, 16th November, 1919.

YOUR EXCELLENCY,
I HAVE the honour to inform Your Excellency that His Britannic Majesty's Government are prepared to renew, for a period of five years from to-day's date, the Arbitration Agreement between Great Britain and Portugal signed at London on the 16th of November, 1914.

If the Portuguese Government are equally prepared to renew the Agreement, this note and Your Excellency's reply could serve as, and would be sufficient to give legal validity to, this understanding between the two Governments.

I avail myself, &c.,
LANCELOT D. CARNEGIE.

His Excellency
Senhor João Carlos de Mello Barreto,
&c., &c., &c.,

* Reminder of No. 58. † No. 64. ‡ 68455: despatch confirming No. 59. § No. 61.
|| No. 60. ¶ 64330: despatch confirming No. 62.

Enclosure 2 in No. 65.

Ministry for Foreign Affairs, Lisbon, 16th November, 1919.

SENHOR MINISTRO,

I HAVE the honour to acknowledge the receipt of Your Excellency's note of to-day's date, informing me that His Britannic Majesty's Government are prepared to renew, for a period of five years from this day's date, the Arbitration Agreement between Portugal and Great Britain signed in London on the 16th of November, 1914.

In reply, I have the honour to inform Your Excellency that the Government of the Portuguese Republic, while accepting with pleasure the proposal of His Britannic Majesty's Government, are equally prepared to renew the said Agreement for a period of five years. This note and Your Excellency's note under reply will serve, and will be sufficient, to give legal validity to this agreement between the two Governments.

I avail, &c.,
JOAO CARLOS DE MELLO BARRETO.

The Honourable
Sir Lancelot Douglas Carnegie,
&c., &c., &c.,

71698

No. 66.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 14.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 10th January, 1920.

WITH reference to Viscount Milner's despatch Dominions No. 402, of the 21st of May, 1919,* and connected correspondence, I have the honour to transmit to Your Excellency, [you,] to be laid before your Ministers, copies of correspondence with the Swiss Minister as to the Arbitration Convention of 1914.†

I have, &c.,
(For the Secretary of State)
L. S. AMERY.

Enclosure 1 in No. 66.

(VI. A.2/19.)

Légation de Suisse, 32, Queen Anne Street,

London, W.1, le 31 octobre, 1919.

MONSIEUR LE COMTE,
SUR l'ordre de mon Gouvernement, j'ai l'honneur de faire connaître à Votre Seigneurie ce qui suit:

La Convention d'arbitrage conclue le 10 juin, 1914, entre la Suisse et la Grande-Bretagne, pour une durée de cinq ans, prendra fin le 17 novembre de l'année courante.

En même temps la Confédération se voit dans la nécessité d'entamer des négociations aussi avec d'autres Etats en vue du renouvellement de traités d'arbitrage.

Mon Gouvernement estime que dans l'esprit du nouveau régime créé par la fondation de la Société des Nations, il serait hautement désirable de conclure à l'avenir des Conventions d'arbitrage d'une précision plus grande et statuant des obligations d'une étendue plus vaste que les accords de ce genre contractés par la Suisse jusqu'à présent.

Ne perdant pas de vue l'importance de principe que revêt la question, le Conseil fédéral se propose de soumettre prochainement à l'Assemblée fédérale un message relatif à l'ordre à créer par la conclusion de futur traités d'arbitrage.

* No. 57. † Treaty Series, 1915, No. 3.

Jusqu'à-là, le Conseil fédéral voudrait éviter de conclure des conventions d'arbitrage sur la même base que les traités précédents. Il déclare toutefois que, jusqu'à la conclusion des nouvelles conventions, il est tout disposé à prêter son concours, toutes les fois que les circonstances le permettront, à la solution par voie d'arbitrage des différends qui pourraient surgir.

Persuadé que le Gouvernement de Sa Majesté Britannique est animé des mêmes intentions, le Conseil fédéral estime pouvoir renoncer, sans qu'il en résulte aucun désavantage, à un renouvellement provisoire de la Convention qui vient de prendre fin. A une époque peu éloignée, il espère être en mesure de formuler des propositions auxquelles il ne doute pas que le Gouvernement de Sa Majesté Britannique voudra réserver un accueil favorable.

Je serais heureux d'apprendre quelles sont les vues du Gouvernement de Sa Majesté sur la question qui fait l'objet de la présente communication et vous prie d'agréer, &c.,

CARLIN.

The Right Honourable
The Earl Curzon of Kedleston,
&c., &c., &c.,
Foreign Office.

Enclosure 2 in No. 66.

(No. 161218/350/T.)

SIR, Foreign Office, S.W.1, 16th December, 1919.

I HAD the honour to receive your note (V.I.A.2/19) of the 31st October last, in which you inform me that the Swiss Government, having in view the desirability of giving a wider scope to treaties of arbitration which may in future be concluded by the Swiss Confederation, have resolved, pending the formulation of definite proposals to this end, to refrain from entering into further engagements; and that, while they hope shortly to place fresh proposals before His Majesty's Government, they prefer in the meantime not to renew the former Convention signed at London on 10th June, 1914.

I have the honour to state that His Majesty's Government, who have taken due note of this communication, and of the assurance which accompanied it, will, on their part, be fully prepared, pending the conclusion of new arrangements, to act in accordance with the spirit of the former Convention; and that they will await with interest the further proposals which the Swiss Government contemplate making to them on the subject.

I have &c.,
(For the Secretary of State).
R. SPERLING.

Monsieur Carlin,
&c., &c., &c.,

6712

No. 67.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland. } Dominions No. 77.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 23rd February, 1920.

WITH reference to my despatch Dominions No. 869, of the 16th of December, 1919,* and previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 519] relating to the renewal of the existing Arbitration Conventions between the United Kingdom and Norway and Sweden, and of the Arbitration Agreement between the United Kingdom and Portugal.

I have, &c.,
(for the Secretary of State)
L. S. AMERY.

* No. 65.

Uruguay.
(Treaty Series, 1919, No. 3.)

30746

No. 68.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland. } Dominions No. 521.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 4th July, 1919.

WITH reference to your telegram of the [23rd of March, 1918,*] [29th of March, 1918,†] [3rd of April, 1918,‡] [25th of March, 1918,§] [28th of March, 1918,||] regarding the Arbitration Treaty between the United Kingdom and Uruguay, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of a Parliamentary paper [Cmd. 150] containing a copy of the treaty in question, the ratifications of which have now been exchanged.

I have, &c.,
MILNER.

ARMENIA.

43205

No. 69.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland. } Dominions No. 394.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th September, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, [copies] [a copy] of a Treaty signed at Sèvres on the 10th August, 1920, between the British Empire, France, Italy, and Japan on the one hand, and Armenia on the other hand.

I have, &c.,
MILNER.

* No. 7 in Dominions No. 61. † No. 10 in Dominions No. 61. ‡ No. 11 in Dominions No. 61. § No. 8 in Dominions No. 61. || No. 9 in Dominions No. 61.

ARMS TRAFFIC CONVENTION.
(Treaty Series, 1919, No. 12.)

48202

No. 70.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5 p.m., 27th August, 1919.)

TELEGRAM.

[Answered by Nos. 73 and 74.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Extract.)

27TH AUGUST. General Peace settlement will probably include Convention relating to Arms traffic. In accordance with precedent adopted in regard to Polish treaty, etc., proposed that this Convention, as part of general settlement, should be entered into in name of British Empire, and should be signed by representatives of Dominions and India. Negotiation of Arms Convention began before Dominion representatives left Paris. . . . As to Arms Convention see my separate telegram.

Similar telegrams sent to other Dominions.—MILNER.

48202

No. 71.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 3.25 p.m., 28th August, 1919.)

TELEGRAM.

[Answered by No. 74.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Extract.)

28TH AUGUST. My telegram 27th August.* Following is latest version of draft Arms Convention omitting Articles twelve to twenty-one, which deal with native vessels. *Begins: [Text of draft Convention not printed here.] Ends.—*MILNER.

48202

No. 72.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 5.55 p.m., 28th August, 1919.)

TELEGRAM.

(Extract.)

28TH AUGUST. Following text of Preamble and Chapter I. are of latest revision of draft Firearms Convention, which will be signed on behalf of British Empire as part of peace settlement. *Begins: [Text not printed here.] Ends.—*MILNER.

* No. 70.

39

52069

No. 73.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.47 p.m., 8th September, 1919.)

TELEGRAM.

Your telegram 27th August.* My Ministers agree to Convention being entered in name of British Empire and to leave to Imperial Government the determination of all matters referred to.—LIVERPOOL.

59348

No. 74.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 16th October, 1919.)

TELEGRAM.

(Extract.)

15TH OCTOBER. Your telegram 27th August, your telegram 28th August.† Government of Canada approves of subsidiary Convention relating to control of trade in arms and ammunition . . . and has authorized Sir George Perley to sign for and in name of King all necessary documents in respect of execution of this Convention on behalf of Dominion of Canada. Copy of Order-in-Council will follow shortly. My Ministers request that authenticated copies of this Convention may be forwarded as soon as completed, including copies in French if available.—DEVONSHIRE.

58339

No. 75.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.) } Dominions No. 784.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 17th October, 1919.

WITH reference to my telegrams of the 27th and 28th of August,‡ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, [two copies] [one copy] in French of the Arms Traffic Convention,§ with Protocol, signed at St. Germain on 10th September, 1919.

I have, &c.,
MILNER.

58339

No. 76.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 2.55 p.m., 25th October, 1919.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

25TH OCTOBER. My telegram of 28th August,¶ Arms Convention. Following is text of Protocol signed with Convention, 10th September. *Begins: At moment of signing Convention of even date relating to trade in arms and ammunition, undersigned Plenipotentiaries declare in name of their respective Governments that they*

* No. 70. † Nos. 70 and 71. ‡ Nos. 70, 71, and 72. § Published as Treaty Series No. 12, of 1919. ¶ Nos. 71 and 72.

would regard it as contrary to intention of High Contracting Parties and to spirit of this Convention that pending coming into force of Convention a contracting party should adopt any measure contrary to its provisions. *Ends.*

Copies of Convention and Protocol in French and English being sent by mail.
—MILNER.

64616

No. 77.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 78, 79, 80, 81, 82, and 83.]

(Canada.	} Dominions No. 819.
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th November, 1919.

WITH reference to my despatch Dominions No. 805, of the 29th October,* I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government would be glad to be informed as soon as possible by telegraph whether they see any objection to ratification by His Majesty of the Arms Traffic Convention and Protocol, signed at St. Germain on 10th September, 1919.

I have, &c.,

MILNER.

68184

No. 78.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.55 a.m., 29th November, 1919.)

TELEGRAM.

28TH NOVEMBER. Your despatch, 11th November,† Arms Traffic Convention. My Ministers have no objection to ratification.—HARRIS.

70306

No. 79.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12 p.m., 10th December, 1919.)

TELEGRAM.

10TH DECEMBER. Your despatch, 11th November, No. 819.† Ministers see no objection to ratification of Convention referred to.—BUXTON.

70546

No. 80.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 12th December, 1919.)

TELEGRAM.

11TH DECEMBER. Your despatch, 11th November, Dominions No. 819,† Arms Traffic Convention. Order in Council passed 9th December authorizing ratification of Treaty on behalf of Canada. Despatch follows by mail.—DEVONSHIRE.

* Not printed. This sent out copies of the Convention and Protocol (subsequently published as Treaty Series No. 12, of 1919.) † No. 77.

73347

No. 81.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th December, 1919.)

(No. 903.)

MY LORD,

Government House, Ottawa, 15th December, 1919.

WITH reference to your despatch, Dominions No. 819 of the 11th November,* respecting the ratification of the Arms Traffic Convention, I have the honour to transmit herewith copies of an Order-in-Council recommending that His Majesty the King be humbly moved to ratify the said Convention for and in respect of the Dominion of Canada.

It was upon this Order-in-Council that my telegram of the 11th instant† was based.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 81.

(P.C. 2456.)

AT THE GOVERNMENT HOUSE AT OTTAWA,

Tuesday, the 9th day of December, 1919.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS at Saint Germain-en-Laye on the tenth day of September, nineteen hundred and nineteen, a Convention for the Control of the Trade in Arms and Ammunition (including a Protocol thereto) was concluded between certain Powers and was signed on behalf of His Majesty for and in respect of the Dominion of Canada by a plenipotentiary duly authorized for that purpose by His Majesty on the advice and recommendation of the Government of the Dominion of Canada;

AND WHEREAS it is expedient that the said Convention be ratified by His Majesty for and in respect of the Dominion of Canada;

NOW THEREFORE His Excellency the Governor in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to order, and doth hereby order, that His Majesty the King be humbly moved to approve, accept, confirm and ratify the said Convention for and in respect of the Dominion of Canada.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

1165

No. 82.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.23 p.m., 6th January, 1920.)

TELEGRAM.

6TH JANUARY. With reference to your despatch 11th November, No. 819,* Government of Commonwealth of Australia has no objection to ratification of Arms Traffic Convention and Protocol. Proclamation being issued accordingly.—MUNRO FERGUSON.

* No. 77.

† No. 80.

2988

No. 83.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.35 a.m., 17th January, 1920.)

TELEGRAM.

17TH JANUARY. Your despatch 11th November, No. 819.* My Government approves ratification Arms Traffic Convention and Protocol.—LIVERPOOL.

19185

No. 84.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 4.20 p.m., 9th April, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

9TH APRIL. Referring to my despatch of 24th February, Dominions No. 82,† His Majesty's Government have been informed by United States Government that pending ratification of Arms Traffic Convention United States Government have no power to prevent private firms in United States from shipping arms, etc., to non-signatory States. Also, with sole exception of Venezuela, no neutral Government has given guarantee to sign when opportunity afforded. Consequently, exporters in United Kingdom, and other principal signatory States, placed at serious disadvantage as compared with traders in United States. In these circumstances, His Majesty's Government have suggested to Government of France, Government of Italy, Government of Belgium, and Government of Japan, that, for the present, Arms Convention should be held to apply only to small-bore arms and ammunition, and to bombs, as was originally proposed. Chief obstacles to legitimate trade with civilized countries would be thus removed, while most important feature of Convention would be retained, namely, prohibition of export to prohibited zones of arms, etc., likely to be used by turbulent tribes.—MILNER.

29003

No. 85.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 12 noon, 15th June, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

15TH JUNE. My telegram 9th April,‡ Arms Traffic Convention; best course now thought to be that pending coming into force of Convention, protocol should be regarded as applying only to provisions of Convention relating to prohibited zones specified in Article 6, and this has been proposed to Governments of France, Italy, Belgium, Japan. See my despatch 11th June, Dominions No. 240.§—MILNER.

* No. 77. † 10789: not printed. This and other despatches forwarded diplomatic correspondence as to the attitude of various Governments towards the Convention. ‡ No. 84. § 29003: not printed. See note to No. 84.

41938

No. 86.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

Dominions No. 357.)

(Extract.)

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 21st August, 1920.

2. It will be seen from the correspondence enclosed,* and that already sent to you, that as the French, Italian, Belgian, and Japanese Governments have concurred in the adoption of the modifications in the Protocol to the Arms Traffic Convention summarized in my telegram of the 15th of June,† it is proposed to put these modifications in force forthwith, and that they should continue in operation until such time as the Convention has been ratified by the principal Powers.

3. The effect of this decision will be, so far as the United Kingdom is concerned, that exports of arms, ammunition, etc., may be freely licensed to any destinations other than those in the prohibited zones specified in Article VI of the Arms Traffic Convention.

I have, &c.,
MILNER.

50849

No. 87.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.10 p.m., 9th October, 1920.)

TELEGRAM.

[Answered by Nos. 88, 89, and 90.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

9TH OCTOBER. Belgian Government wish that Central International Bureau, contemplated Article V, Arms Traffic Convention, should be located in Brussels, and ask British Government to support this proposal. British Government disposed to support proposal, especially as Central Office under Brussels Act, 1890, located Brussels. Should be glad to know whether your Ministers concur. Despatch follows.—MILNER.

53218

No. 88.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.20 a.m., 29th October, 1920.)

TELEGRAM.

27TH OCTOBER. Central International Bureau contemplated in Arms Traffic Convention. Ministers state that they do not support proposal of Government of Belgium that Bureau should be located in Brussels, but think that it should be located in Headquarters of League of Nations.—INNES.

* Not printed. See note to No. 84. † No. 85.

54003

No. 89.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.42 a.m., 3rd November, 1920.)

TELEGRAM.

3RD NOVEMBER. Your telegram 9th October;* Arms Traffic Convention. Government of Commonwealth of Australia concur in proposal to locate Central International Bureau at Brussels.—GOVERNOR-GENERAL.

60255

No. 90.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.0 a.m., 9th December, 1920.)

TELEGRAM.

9TH DECEMBER. Your telegram 9th October;* Central International Bureau. Government of New Zealand will concur in any action which Imperial Government may decide on.—JELLI'COE.

AUSTRIA.

(1) Bilateral Treaties (Revival under Article 241 of the Treaty of Peace.)

46351

No. 91.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 412.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[SIR,] [MY LORD DUKE,] Downing Street, 24th September, 1920.

WITH reference to my telegram of the 29th of April and connected correspondence,† regarding bilateral Treaties with Austria, I have the honour to transmit to [Your Excellency.] [you,] for the information of your Ministers, a copy of a despatch to His Majesty's Representative at Vienna forwarding a draft notice‡ to the Austrian Government containing a list of those Treaties which it is proposed to revive under Article 241 of the Treaty of Peace.

I have, &c.,

MILNER.

* No. 87. † Not printed. This correspondence had reference to consultation with the Dominion Governments as to the Treaties to be renewed. ‡ See enclosure in No. 92.

Enclosure in No. 91.

(No. 615.)

SIR,

Foreign Office, S.W.1, 17th September, 1920.

I TRANSMIT herewith the draft of a notice* to the Austrian Government giving a list of the Bilateral Treaties between the British Empire and Austria, which it has been decided to revive under Article 241 of the Treaty of Peace.

I request that you will communicate a notice in these terms to the Austrian Government and ask for a formal acknowledgment.

The notice should be dated and signed by you, and you should furnish me with copies of the notice and the acknowledgment.

I am, &c.,

G. H. VILLIERS.

(For the Secretary of State).

R. F. O. Bridgeman, Esquire, C.M.G., M.V.O.,
&c., &c., &c.

52445

No. 92.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 453.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 29th October, 1920.

WITH reference to my despatch Dominions No. 412 of the 24th of September,† on the subject of the revival of bilateral Treaties with Austria, I have the honour to transmit to [Your Excellency.] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Representative at Vienna forwarding copies of correspondence with the Austrian Secretary of State for Foreign Affairs.

I have, &c.,

MILNER.

Enclosure in No. 92.

(No. 711.)

MY LORD,

Vienna, 8th October, 1920.

WITH reference to your despatch No. 615 of the 17th ultimo, transmitting a list of the bilateral Treaties between the British Empire and Austria, which it has been decided to revive under Article 241 of the Treaty of Peace, I have the honour to forward to Your Lordship, herewith, copies of a Note Verbale and enclosure which I addressed to the Austrian Secretary of State for Foreign Affairs on the 22nd ultimo, and a translation of his acknowledgment thereof dated the 4th instant.

I have, &c.,

R. BRIDGEMAN.

The Right Honourable

The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

MR. SECRETARY OF STATE,

Vienna, 22nd September, 1920.

BY direction of His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to transmit to you, herewith, a Notice giving the Austrian Government a list of the bilateral Treaties between the British Empire and Austria which it has been decided to revive under Article 241 of the Treaty of Peace.

* Enclosure in No. 92.

† No. 91.

I have the honour to request that you will be so good as to furnish me with a formal acknowledgment of this Notice, which, as you will observe, bears to-day's date.

I avail myself, &c.,

R. BRIDGEMAN

Dr. Renner,
Secretary of State for Foreign Affairs,
Vienna.

(T 8913/12/350.)

NOTICE.

IN accordance with Article 241 of the Treaty of Saint Germain-en-Laye, of 10th September, 1919, notice is hereby given to the Austrian Government that the following bilateral Treaties between the British Empire and Austria are revived from the date of this notice:—

I.—Extradition.

(a) Treaty signed at Vienna, on 3rd December, 1873, between Great Britain and Austria for the mutual surrender of fugitive criminals.

(b) Declaration signed at London, on 26th June, 1901, amending Article II of the Treaty between Great Britain and Austria for the mutual surrender of fugitive criminals.

II.—Money Orders.

Arrangement between the Imperial Royal Post Office of Austria and the Post Office of India, signed at Calcutta, 27th December, 1905, and at Vienna, 25th January, 1906, for the exchange of Money Orders between Austria and India, including the modifications which came into force from 1st April, 1913, effected by exchange of Notes between the Indian and Austrian Postal administrations ending with a letter from the Austrian Ministry of Commerce dated 11th January, 1913.

The use of the words "including the Austrian Post Offices establishment in Turkey" under Article I, is contrary to the stipulations of the Treaty of Saint Germain-en-Laye. These words are therefore not included in the revival, and must be regarded as excised from the arrangement.

Vienna, 22nd September, 1920.

(Z58.588/13.)

TRANSLATION.

Austrian State Department for Foreign Affairs,
Vienna, 4th October, 1920.

WITH your note of 22nd September you have sent me a list of those Treaties concluded between Great Britain and the former Austro-Hungarian Monarchy, which His Britannic Majesty's Government has put into force as between Great Britain and the Austrian Republic in accordance with Article 241 of the Treaty of Saint Germain-en-Laye.

I have the honour to acknowledge the receipt of this note, and
I avail myself, &c.,
For the Secretary of State,
(signature illegible).

R. Bridgeman, Esquire,
Vienna.

(2) Treaty of Peace (St. Germain.) (Treaty Series, 1919, No. 11.)

58124

No. 93.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 786.)

[MY LORD DUKE.] [SIR.] [MY LORD,] Downing Street, 17th October, 1919.

WITH reference to my despatch Dominions No. 760, of the 26th of September,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies in French, English, and Italian of each of the following documents:—

(1) Treaty of Peace between the Allied and Associated Powers and Austria, signed at St. Germain, on 10th September, 1919,† (one copy).

(2) Protocol‡ to the above Treaty indicating precisely the conditions in which certain provisions of the Treaty are to be carried out (one copy).

(3) Declaration§ regarding the supply of information by Austria as to vessels sunk or damaged by the Austrian naval forces (one copy).

(4) Special Declaration¶ regarding the prohibition of trade between Austria and Hungary up to the time of the formal acceptance by the Government of Hungary of the Terms of Peace proposed by the Allied and Associated Governments (one copy).

(5) Agreement‡ between the Allied and Associated Powers regarding the contributions to the cost of liberation of the territories of the former Austro-Hungarian monarchy (two copies) (one copy).

(6) Agreement§ between the Allied and Associated Powers with regard to the Italian reparation payments (two copies) (one copy).

2. One additional copy of each of the documents numbered (2), (3), and (4) above will be found bound up in the volume containing that numbered (1).

3. I also enclose a Protocol signed at St. Germain, on 10th September, stating that the Treaties, Conventions, Agreements, Protocol, and Declarations of that day may be signed until mid-day on 13th September, 1919. The documents signed at St. Germain other than those referred to above are being sent to you for convenience of reference in separate despatches.

I have, etc.,
MILNER.

67779

No. 94.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 27th November, 1919.)

(No. 826.)
(Extract.)

MY LORD, Government House, Ottawa, 13th November, 1919.

I HAVE the honour to transmit, herewith, copies of an Order in Council regarding the ratification of the Treaty of Peace between the Allied and Associated Powers and Austria.

I have, &c.,
DEVONSHIRE.

* 48595: not printed. This enclosed copies of the First Revise of the Treaty

† Published as Treaty Series, 1919, No. 11.

‡ Published as Treaty Series, 1919, No. 14, but subsequently modified, see Treaty Series, 1920, No. 7.

§ Published as Treaty Series, 1919, No. 15, but subsequently modified, see Treaty Series, 1920, No. 9.

Enclosure in No. 94.

(P.C. 2247.)

AT THE GOVERNMENT HOUSE AT OTTAWA, THURSDAY, THE 6TH DAY OF NOVEMBER, 1919.

Present:

HIS EXCELLENCY, THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS at Saint Germain-en-Laye, on the tenth day of September, nineteen hundred and nineteen, a Treaty of Peace between the Allied and Associated Powers and Austria was concluded and signed on behalf of His Majesty for and in respect of the Dominion of Canada by plenipotentiaries duly authorized for that purpose by His Majesty on the advice and recommendation of the Government of the Dominion of Canada;

And whereas the Senate and House of Commons of Canada have by resolution approved of the said treaty;

And whereas it is expedient that the said treaty be ratified by His Majesty for and in respect of the Dominion of Canada;

Now, therefore, His Excellency the Governor-General in Council, on the recommendation of the Acting Secretary of State for External Affairs, is pleased to order and doth hereby order, that His Majesty the King be humbly moved to approve, accept, confirm, and ratify the said treaty for and in respect of the Dominion of Canada.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

66523

No. 95.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 10.40 a.m., 27th November, 1919.)

TELEGRAM.

[Answered by Nos. 96, 97, 98, and 99.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Extract.)

27TH NOVEMBER. In view of present precarious situation in Central and South Eastern Europe His Majesty's Government are anxious that Treaty with Austria and other connected Treaties should be ratified as soon as possible, and as soon as legislation in regard to Austrian Treaty on lines of that in regard to German Treaty has been passed by Parliament here, they would be glad to be in a position to advise His Majesty the King to ratify Austrian Treaty contained in my despatch of 17th October, Dominions No. 786.*

His Majesty's Government would be glad to know as soon as possible whether your Ministers concur in proposed ratification. Please telegraph reply.

[To Canada only: Approval of Canadian Parliament to Treaty with Austria already received, see your telegram of 7th November.†]—MILNER.

68323

No. 96.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.45 a.m., 30th November, 1919.)

TELEGRAM.

29TH NOVEMBER. My Ministers concur in proposed ratification of Austrian Treaty. Necessary Order in Council will be approved this day or Monday.—DEVONSHIRE.

* No. 93. † 63918: this telegraphed the text of the Order in Council of 6th November 1919, for which see No. 94.

70373

No. 97.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.0 a.m., 11th December, 1919.)

TELEGRAM.

10TH DECEMBER. Your telegram 27th November.* Ministers concur in proposed ratification of Austrian Treaty.—BUXTON.

71010

No. 98.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.11 a.m., 13th December, 1919.)

TELEGRAM.

13TH DECEMBER. With reference to your telegram 27th November,* my Government concurs in ratification by His Majesty the King of the Treaty with Austria.—LIVERPOOL.

1644

No. 99.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.0 a.m., 9th January, 1920.)

TELEGRAM.

9TH JANUARY. Your telegram 27th November,* Government of Commonwealth of Australia concurs in proposed ratification of Austrian Treaty.—GOVERNOR-GENERAL, AUSTRALIA.

35651

No. 100.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL and GOVERNOR.

(Sent 2.30 p.m., 17th July, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

17TH JULY. Procès-verbal of deposit of ratifications Treaty of Peace with Austria signed Paris, 16th July.—MILNER.

Note.—The Act of the Imperial Parliament to carry the Austrian Treaty into effect is 10 Geo. V, ch. 6. (23761/20.)

An Order in Council was passed on 22nd July, 1920 (*London Gazette*, No. 31991, pages 7765-6), declaring 16th July, 1920, as the date of the termination of the war with Austria, under the Termination of the Present War (Definition) Act, 1918. (37454/20.)

* No. 95.

BELGIUM.
(1) Commercial Arrangements

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No. 101.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 633. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th August, 1919.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copy of correspondence with the Belgian Minister on the subject of commercial relations between the British Empire and Belgium.

2. It will be seen that, having regard to the inter-Imperial principle involved, His Majesty's Government have found it impossible to extend the benefits of the British preferential tariff to Belgian goods imported into the United Kingdom.

I have, &c.,

MILNER.

Enclosure 1 in No. 101.

(No. 8979.)

Légation de Belgique,

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

Londres, le 14 Novembre, 1918.

Au cours de l'entretien que nous avons eu, le 26 octobre dernier, M. Brunet, Délégué spécial du Ministère des Affaires Étrangères, et moi, avec Lord Robert Cecil et Sir Arthur Steel Maitland, au sujet des relations commerciales de la Belgique avec l'Empire britannique après la guerre, les honorables Représentants du Gouvernement anglais ont bien voulu inviter le Gouvernement du Roi à formuler par écrit les demandes qu'il croirait opportun de présenter en ce qui concerne le régime à appliquer aux importations belges, tant dans les Colonies que dans la Métropole.

En assurant les délégués belges que ces demandes feraient l'objet de l'examen le plus bienveillant de la part du Cabinet de Londres et que celui-ci s'emploierait à user de son influence auprès des Colonies autonomes pour faire valoir les titres de la Belgique à un traitement de faveur, Lord Robert Cecil et Sir Arthur Steel Maitland se sont parfaitement rendu compte de la situation toute spéciale que la guerre a faite à notre pays et des nécessités qu'elle comporte.

Comme Votre Excellence le sait, la vie économique belge repose essentiellement sur le placement à l'étranger d'une grande partie de la production nationale : l'extrême densité de la population—la plus élevée de tous les pays du globe par kilomètre carré—la nécessité d'importer dans une proportion considérable les produits destinés à nourrir cette population surabondante, l'obligation où nous nous trouvons de chercher au dehors la plupart des matières premières dont la transformation procure à notre classe ouvrière la main d'œuvre qui doit la faire vivre—tous ces facteurs font que notre pays ne peut connaître une existence quelque peu prospère qu'en écoulant sur les marchés étrangers une fraction très importante de sa production industrielle. En fait, la Belgique se trouvait avoir, avant la guerre, de tous les grands pays producteurs du monde, l'exportation la plus élevée par tête d'habitant.

Cette exportation s'est trouvée presque complètement annihilée depuis le début des hostilités : je n'ai pas besoin, Monsieur le Secrétaire d'État, de rappeler à ce propos les mesures de toutes sortes prises par l'ennemi pour mettre obstacle à l'affirmation de notre vie économique.

Tout notre commerce extérieur a donc été suspendu pendant plus de quatre ans : nous avons perdu notre clientèle du dehors, celle-ci s'est adressée à nos concurrents, de nouveaux courants commerciaux se sont établis qui viendront contrarier la reprise de nos relations antérieures. Tandis que, la guerre terminée, nous nous occuperons, avec l'aide précieuse des pays alliés, de reconstituer nos

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moyens de production, de nouveaux délais seront nécessaires pour que ceux-ci soient rétablis dans leur puissance normale ; pendant cette période, de nouvelles concurrences surgiront, et la reconstitution de notre clientèle extérieure sera forcément lente et difficile.

L'entretien du 26 Octobre a laissé aux délégués du Gouvernement du Roi l'impression très nette que l'Angleterre et les Colonies britanniques ont le vif désir de nous prêter un concours efficace dans cette œuvre de *restauration commerciale*, en nous facilitant, par un régime de faveur, l'accès de leurs marchés.

Sous quelle forme ce régime privilégié pourrait-il se présenter ?

Répondant à la question que les honorables Représentants du Gouvernement britannique ont bien voulu formuler dans ce sens au cours de la réunion du 26 octobre, le Gouvernement du Roi m'a chargé d'indiquer à Votre Excellence cette double formule, comme l'expression des désirs qu'il croit pouvoir exprimer, dans la situation exceptionnelle caractérisée ci-dessus :

L'assimilation des produits belges aux produits coloniaux à l'entrée dans le Royaume-Uni—l'assimilation des produits belges aux produits de la Métropole à l'entrée dans les Colonies.

En ce qui concerne les importations en Angleterre, j'envisagerai deux hypothèses.

D'abord celle où la Grande Bretagne, tout en établissant un traitement de préférence au profit des Colonies, resterait fidèle à la politique de libre-échange qui existait avant la guerre, c'est-à-dire continuerait à ne taxer à l'entrée que quelques produits de grande consommation propres à procurer au Trésor des revenus importants, les droits perçus avant dès lors la caractère de taxes purement fiscales. Dans ce cas, un seul des articles précédemment taxés—les sucres—intéresserait sensiblement notre commerce d'exportation. Je citerai toutefois quelques autres articles soumis à des droits qui faisaient, avant la guerre, l'objet d'exportations belges de quelque importance, et pour lesquels nous pourrions avoir intérêt à demander également le bénéfice du tarif réduit qui serait appliqué aux produits coloniaux : la chicorée brute ou séchée, les tabacs manufacturés, les bières, les eaux-de-vie et spiritueux.

Certains articles ont été frappés de droits—dans un but également fiscal—pendant la guerre. Parmi eux, il en est quelques-uns qui, dans le cas où ces droits seraient maintenus, pourraient être compris dans nos demandes, s'ils faisaient l'objet d'un régime de faveur au profit des Colonies : les automobiles et motocycles, les allumettes, les instruments de musique, les films non impressionnés.

La seconde hypothèse que j'avais en vue est celle où l'Angleterre établirait, par la suite, des droits en les articles manufacturés. Je constaterai que c'est essentiellement dans ce cas que l'assimilation aux produits coloniaux constituerait un avantage pour notre production industrielle—à supposer, bien entendu, que le régime de préférence établi en faveur des Colonies soit étendu aux articles fabriqués, et non limité aux matières premières et aux produits d'alimentation, lesquels intéressent surtout l'exportation coloniale.

En ce qui concerne le régime à nous appliquer dans les Colonies, le Gouvernement du Roi n'ignore pas que les Dominions établissent librement leur tarif douanier, et qu'il dépend essentiellement de leur propre Gouvernement que des avantages soient accordés, à l'entrée du territoire de chacun d'eux, aux produits de notre pays. Mais il nous paraît que la situation créée par la guerre a établi une telle communauté d'intérêts entre toutes les parties de l'Empire, dans leurs situations respectives vis-à-vis de la Belgique, qu'en attendant que des pourparlers directs puissent s'établir entre le Gouvernement du Roi et les Gouvernements coloniaux, le Cabinet de Londres pourrait intervenir auprès de ceux-ci pour faire appel à leur collaboration dans l'œuvre de la restauration commerciale de la Belgique, telle que je l'ai définie plus haut.

Cette œuvre présente d'ailleurs des aspects multiples, par ses conséquences directes et indirectes. C'est ainsi que l'un de ses effets essentiels doit être de préserver la Belgique de l'emprise économique allemande ; et c'est en raison de la préoccupation grande que nous avons d'affirmer notre complète indépendance, dans le domaine des affaires comme sur le terrain politique, que les délégués belges ont, au cours de l'entretien du 28 octobre, pris l'initiative de soulever la question du régime douanier à appliquer à l'Allemagne après la guerre. Convaincus que nos ennemis actuels useront de tous les moyens possibles pour retrouver quelque influence chez nous, nous demandons aux pays alliés de nous aider à nous affranchir de cette influence, par l'établissement de relations plus étroites avec eux. Cet aspect du problème intéresse particulièrement nos voisins immédiats : c'est

pourquoi l'Angleterre se trouve spécialement qualifiée pour plaider notre cause auprès des Colonies britanniques. Celles-ci, qui ont si courageusement tiré l'épée pour prendre, avec la Mère-Patrie, la défense de notre pays, injustement attaqué, ne pourront se montrer indifférentes à notre avenir économique, et nous croyons avoir de multiples raisons de compter sur leur concours.

Peut-être serait-on tenté d'objecter qu'il serait difficile d'accorder à la Belgique un traitement de faveur sans en étendre le bénéfice à d'autres pays alliés. Mais la situation de notre pays est spéciale, unique peut-on dire, à la fois par l'étendue du préjudice qu'il a subi, par les conséquences que ce préjudice pourrait avoir sur les conditions de son existence pendant de longues années, et par la position toute particulière que la Belgique occupait dans le conflit mondial vu sa qualité d'Etat neutre qui avait scrupuleusement observé les lois de sa neutralité.

Les pays alliés, les pays neutres eux-mêmes, reconnaîtront, je n'en veux point douter, que la Belgique a droit à un régime privilégié, destiné à lui permettre de retrouver un état de prospérité économique correspondant autant que possible à celui d'avant-guerre; et cette situation prospère, je l'ai rappelé en commençant, reposait essentiellement sur ses facultés de pays exportateur. Seule une Belgique puissante économiquement pourra réagir d'une manière efficace contre les tentatives de pénétration d'un voisin qui se trouve particulièrement en mesure, par sa situation géographique, d'exercer une influence dont il paraît superflu de faire ressortir les dangers.

Cette situation géographique de l'Allemagne nous met précisément en présence d'un problème délicat, pour la solution duquel l'aide des pays alliés nous est également nécessaire; j'ai en vue la question du transit. La Belgique, par la position surtout de son grand port de commerce, Anvers, était la voie naturelle de passage pour le trafic maritime d'une grande partie de l'Allemagne, à l'entrée et à la sortie; et en fait, malgré les mesures prises pour détourner en partie ce trafic au profit des ports allemands, Anvers devait la part essentielle de son transit à la clientèle du Sud et de l'Ouest de l'Empire. Ce transit nous intéressait pour lui-même, je veux dire pour les profits directs qu'il apportait au pays, sous diverses formes; mais il avait aussi des conséquences indirectes, très importantes à nos yeux, au point de vue de notre propre exportation: il assurait à celle-ci des occasions de transport plus fréquentes, plus économiques et plus régulières. C'est surtout à ce titre que mon Gouvernement m'a chargé d'entretenir Votre Excellence de ce côté de nos préoccupations d'ordre économique: les débouchés qu'un régime de faveur nous assurerait dans l'Empire britannique viendraient, en développant nos exportations d'outre-mer; créer un mouvement de trafic maritime à la sortie qui compenserait, dans une certaine mesure, la perte d'autres éléments de trafic, et qui aurait sans doute pour corollaire un mouvement parallèle, à l'entrée, par un développement de l'importation des produits coloniaux, d'où profit pour les Colonies elles-mêmes. Ce double mouvement ne pourrait d'ailleurs que se trouver favorisé si l'octroi de subsides postaux à des lignes britanniques, par la Mère-Patrie ou par les Dominions, comportait désormais, dans toute la mesure possible, des escales en Belgique.

Quant au trafic de transit lui-même, il dépend peu de l'Angleterre de suppléer, par ses propres moyens aux pertes que notre grand port de commerce est appelé à subir de ce côté. La politique libérale suivie par le Royaume-Uni, en matière de navigation, ne lui permet guère, en effet, de nous accorder des avantages nouveaux dans ce domaine: nous ne pouvons que lui demander le maintien, moyennant réciprocité, de l'assimilation du pavillon belge au pavillon britannique dans les ports de l'Empire.

Mais il est un autre pays où l'assimilation des pavillons, comme celle des ports eux-mêmes, pourrait avoir pour nous des conséquences favorables, qui nous permettraient d'envisager avec moins d'inquiétudes le sort du port d'Anvers, auquel se lie si étroitement la destinée économique de la nation belge toute entière. Ce pays — j'ai à peine besoin de le citer — c'est la France. Nous serions heureux de pouvoir affirmer, au cours des négociations qui s'engageront avec la grande Alliée de l'Angleterre, que cette dernière ne revendiquerait pas à son profit le bénéfice des avantages que la France se montrerait disposée à nous accorder: par exemple, la suppression de la surtaxe d'entrepôt, suppression qui serait la conséquence de l'assimilation des ports belges aux ports français. Telles mesures de ce genre qui nous apporteraient des avantages sérieux pourraient d'ailleurs être d'un profit beaucoup moins sensible pour l'Angleterre, les situations géographiques étant

essentiellement différentes. Et nous nous plaisons à croire que le Gouvernement britannique verrait la question dans un esprit assez large et désintéressé, pour ne pas mettre obstacle à l'octroi d'une faveur dont l'application à la Belgique seule ne pourrait entraîner, pour l'Angleterre, des préjudices indirects que dans une mesure relativement peu importante.

On s'inspirerait, au surplus, en cette matière, du principe indiqué plus haut, d'après lequel serait reconnu notre droit à un régime privilégié, dont les neutres mêmes ne pourraient réclamer le bénéfice.

Les Pays-Bas sont pour la Belgique, en matière de transit, un concurrent dont nous devons d'autant plus nous préoccuper, que la guerre aura permis aux ports néerlandais de s'outiller et de s'organiser en vue d'éléments de trafic nouveaux, tandis que les ports belges étaient condamnés à plus complète inaction. Le Gouvernement britannique serait sans doute prêt à nous accorder son assistance, en étudiant avec nous les conditions à négocier avec les Pays-Bas et à imposer aux pays ennemis, pour assurer le respect du trafic naturel des ports belges, en ce qui concerne leur hinterland allemand.

Des mesures devraient en outre être prises pour garantir le passage à travers l'Allemagne du trafic par ports belges de et vers la Pologne, la Bohême, l'Autriche, la Suisse et l'Italie, dans des conditions aussi favorables que celles qui seront faites au trafic par ports allemands ou néerlandais.

Je rappellerai enfin que l'on s'est ému en Belgique du développement que l'on paraît vouloir donner, dans le Royaume-Uni, à certaines industries pour lesquelles l'Empire britannique constituait un de nos débouchés les plus importants: je citerai l'industrie du zinc, l'industrie verrière, l'industrie diamantaire. S'appuyant sur les projets mis à l'étude dans ce but, les Allemands se sont ingéniés à démontrer aux Belges du pays occupé, que les intérêts de quelques-unes de nos industries essentielles allaient se trouver compromis par le fait de nos amis britanniques, leur intention étant de substituer leur propre production à la production belge sur les marchés précédemment ouverts à celle-ci, et de nous priver du même coup des matières premières que nous procuraient des territoires de l'Empire. Le Gouvernement du Roi serait heureux de pouvoir, lorsque, à une date sans doute prochaine, il reprendra contact avec les populations enfin libérées du joug ennemi, les rassurer de la façon la plus complète à cet égard, et leur apporter en même temps la preuve que tous les pays de l'Empire britannique sont désireux de nous prêter un concours efficace, propre à faire renaître au plus tôt une Belgique laborieuse et prospère, en mesure de se défendre contre les tentatives de domination économique de ses ennemis de la veille.

Je saisis, &c.,

Bn. MONCHEUR.

His Excellency

The Right Honourable A. J. Balfour, O.M., M.P.,

&c., &c., &c.

Enclosure 2 in No. 101.

SIR,

Foreign Office, S.W.1, 26th May, 1919.

WITH reference to your note No. 30 P.C./3147, of the 16th instant, I have the honour to state that His Majesty's Government have given their most careful and sympathetic consideration to the request contained in Baron Moncheur's note No. 8979, of 14th November last, that the same preferential treatment should be afforded to Belgian goods consigned to the United Kingdom or to a British overseas port as is granted to the products and manufactures of the United Kingdom in His Majesty's Dominions and Colonies and *vice-versa*.

2. I much regret to inform you that His Majesty's Government have found themselves unable to extend the benefit of such preference to Belgium, since it would be impossible for them to do so without detriment to the whole inter-Imperial principle involved.

3. At the same time I would assure you that His Majesty's Government are deeply sensible of the special deserts and needs of Belgium, and they would welcome some other method of assisting the Belgian Government if such could be found, although up to the present their investigation has not produced any practicable plan.

I have, &c.,

(for Earl Curzon of Kedleston)

Monsieur Charles Maskens,

&c., &c., &c.

Enclosure 3 in No. 101.

SIR,

Foreign Office, S.W.1, 14th July, 1919.

I HAVE the honour to refer to Baron Moncheur's note No. 30 P.C./8979, of 14th November, and to convey to you the following replies to questions raised therein other than those of preferential treatment for Belgian manufacturers and products in the United Kingdom and British overseas possessions:—

- (1) His Majesty's Government consider that no difficulty is likely to arise regarding the continuance on terms of reciprocity and equality of treatment of the Belgian and British flags in respect of transhipment facilities.
- (2) His Majesty's Government contemplate pressing the French Government to abolish the "surtaxe d'entrepôt," and would welcome the co-operation of the Belgian Government in the matter. As, however, the grievance has been long and widely felt by British commercial interests, His Majesty's Government regret that they could not undertake to abstain from approaching the French Government in the matter on their own account.
- (3) With regard to the question of transit traffic via Belgian ports with the German hinterland, and with Bohemia, Poland, Austria, Switzerland, and Italy across Germany, His Majesty's Government are in a general sense in favour of full liberty of transit on equal conditions through international waterways, but with a view to giving fuller consideration to the matter they would be grateful if the Belgian Government would communicate the precise nature of the proposals which they contemplate making to the Netherland Government in the matter.
- (4) As regards the development of industries in the United Kingdom, which might compete with old-established Belgian industries, I have the honour to point out that the effect of the development of the zinc smelting industry in the United Kingdom upon the Belgian industry was raised by your Government early in 1917, in consequence of the agreement which had been concluded between His Majesty's Government and the Commonwealth Government of Australia for the purchase by the former of Australian zinc concentrates and spelter for a term of years after the War. This question was discussed with delegates of the Belgian Government in April, 1917. At that time His Majesty's Government indicated their willingness to furnish out of their Australian purchase a supply of zinc concentrates for the Belgian industry (the statement as to requirements recently furnished by the Belgian Government is now under consideration), and to provide for the importation into the United Kingdom for a term of years of a quantity of spelter of Belgian production, subject to the condition that any such arrangement would not be to the benefit of any German interests concerned in the Belgian spelter industry. The other industries mentioned in Baron Moncheur's note are not in receipt of any Government financial assistance, and I can assure you that should any special measures of encouragement to such industries be contemplated in future, His Majesty's Government will give their most sympathetic consideration to the position of the Belgian industries concerned.
- (5) Baron Moncheur requested that in mail contracts with British steamship companies provision should, wherever possible, be made for calls at Belgian ports, and that arrangements should be effected to guarantee the transit through Belgian ports of their natural traffic for and from their German hinterland. His Majesty's Government would be most reluctant to depart from the well-established principle that the only payments made to shipping companies under mail contracts should be in respect of services rendered in connexion with the actual conveyance of mails, having regard to the weight and volume of the mails conveyed, and to any subsidiary services in the way of provision for sorting mails on board or otherwise, together with such reasonable addition as may be necessary to secure the regularity of the service. So far as postal service is concerned, a regular daily service between Belgium and a British Channel port, such as that maintained by Belgian steamers between

Ostend and Folkestone before the War, would be adequate. His Majesty's Government feel that calls at Antwerp or any other Belgian port by British long distance mail steamers would be of no substantial advantage to the British Post Office, while, in so far as such an arrangement resulted in a diversion of mails from the regular daily cross-Channel service, it would be detrimental to Belgian shipping interests on the assumption that the Channel service will be maintained in the future, as in the past, by Belgian steamers.

The choice of routes for the despatch of mails for Germany and countries served through Germany must depend eventually on the relative advantages offered by competing routes. In the past the route of Holland was quicker and more convenient for certain mails. If on the re-establishment of normal steamship and railway services the Belgian route should prove equally advantageous for these mails, His Majesty's Government would, of course, consider the redistribution of the mails between the two routes, subject to the convenience of the offices of the destination of the mails, but at the same time they do not feel able to pledge themselves to the diversion of mails from Holland to Belgium, where such diversion would result in a later delivery of the correspondence.

I have, &c.,

Monsieur C. Maskens,

&c., &c., &c.

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No. 102.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 854. Confidential.)

[MY LORD DUKE, [MY LORD,] [SIR,] Downing Street, 4th December, 1919.

WITH reference to Viscount Milner's Confidential despatch Dominions No. 633, of the 11th August,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of correspondence relative to commercial relations between the United Kingdom and Belgium.

I am, &c.,

(for the Secretary of State)

L. S. AMERY.

Enclosure 1 in No. 102.

(95346.)

MY LORD,

Foreign Office, S.W.1, 27th June, 1919.

I HAVE the honour to report that M. Delacroix asked me to come and see him at the Ministère des Finances at Brussels on 21st June, in order that he might communicate proposals, which he desired His Majesty's Government to consider, for an arrangement between Great Britain and Belgium designed to promote the economic restoration of the country. M. Jaspar, Ministre des Affaires Economiques, was also present. I subsequently received from M. Jaspar the memorandum of which a copy is appended.

2. In Your Lordship's note of 26th May, 1919,† to the Belgian Chargé d'Affaires in London, in which the request of the Belgian Government to be admitted to the benefit of Imperial preference was declined, it was added: "At the same time I would assure you that His Majesty's Government are deeply sensible of the special deserts and needs of Belgium, and they would welcome some other method of assisting the Belgian Government if such could be found, although up to the present their investigation has not produced any practicable plan." The present proposals are the Belgian Government's suggestion of such a plan.

* No. 101.

† Enclosure 2 in No. 101.

3. These proposals are in large measure the outcome of a feeling of nervousness, which is undoubtedly prevalent among Belgian manufacturers, that a change in the commercial policy of Great Britain might profoundly affect their trade. In addition to all the other elements of uncertainty in the present situation, there is the fear that a protective tariff in this country might restrict, or even close, what has been hitherto one of the principal, and often the greatest, of foreign markets for many of the industries of Belgium. Manufacturers often hesitate to restart their factories on the same scale as before the War, because they think that, in the near future, their opportunities of disposing of their output may be seriously diminished. This view has been expressed to me repeatedly by leading business men in various parts of the country. The first of the Belgian Government's suggestions is intended, therefore, to reassure public opinion in Belgium. It proposes that, for a period to be determined, a number of commodities of which Belgium is an exporter, and which are not now subject to import duties in the United Kingdom, should continue to enter duty free. It is added that, at the end of that period, Belgium should enjoy most-favoured-nation treatment in respect of those commodities.

4. The second proposal has in view the promotion of the Belgian export trade in certain articles which are now subject to import duties in the United Kingdom, in order to encourage the economic revival of the country—now proceeding very slowly—and thereby to improve the present unfavourable rate of exchange. The only articles on the British Customs list in which Belgium is interested are the four that are mentioned, viz., matches, sugar, films (non-printed), and motor-cars. This proposal differs from the previous request for admission to Imperial preference in two particulars: it relates only to certain articles, and does not seek to apply generally the principle which has been adopted with respect to Imperial produce; and it suggests, not the same tariff in respect of those articles as is charged upon Imperial produce, but a tariff intermediate between that and the ordinary tariff. If the principle were approved a third difference might be introduced, if it were so desired, by limiting this article, as it is suggested the previous article should be limited, to a specified term of years.

5. With regard to the relation of such proposals to the most-favoured-nation clauses in the treaties between Great Britain and other countries, His Majesty's Government have contemplated that the measures which they might feel bound to take for the purpose of assisting the Allies to recover from the effects of the War might infringe the letter of those clauses, and in the Circular despatch of the Secretary of State of 15th June, 1918,* the hope is expressed that "the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies" will not be considered by other States a ground for terminating their existing commercial relations with Great Britain. I append a copy of the relevant paragraphs of that despatch.

6. If it be urged that other Allies might advance similar claims, it is answered by the Belgians that during the course of the War assurances were given to Belgium of a quite exceptional character, that Belgium alone among the Allies in Western Europe has had the whole of her chief industry (the metallurgical industry) destroyed, as well as many other industries seriously injured, and that Belgium alone imposes no protective tariff on British goods.

7. It is well known to Your Lordship that steps have been taken for some time past by the French Government with a view to inducing Belgium to enter into a Customs union with France. It is obvious to anyone who is acquainted with the state of public opinion in Belgium how strong is the attachment, on grounds of sentiment, to France. I believe that the War has had the effect of greatly increasing that attachment. Although the present Belgian Government does not favour the policy of a commercial union with France, partly out of anxiety as to the possible ultimate effect of such a union on Belgian independence, there can be no certainty as to the future trend of events. Belgium is a small country, but her foreign trade before the War was the fifth largest in the world, coming after the trade of the United Kingdom, the United States, Germany, and France, and considerably exceeding the foreign trade of Russia, Italy, and Austria-Hungary. It is a British interest of no small importance to maintain a free market in Belgium. M. Delacroix has repeatedly informed me in conversation

* In enclosure 1 in No. 89 in Dominions No. 61.

that he so strongly desires a commercial arrangement with Great Britain because, among other reasons, it would furnish him with an answer to the advances that are made to him from the side of France. His Majesty King Albert has also mentioned to me his great desire that the orientation of his country's policy should be towards a close relationship with Great Britain. The proposals which I have the honour to transmit are designed to that end.

I have, &c.,
HERBERT SAMUEL,
British Special Commissioner
to Belgium.

The Right Honourable Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

MEMORANDUM FROM MONSIEUR JASPAR.

Relations entre la Belgique et la Grande Bretagne.

L'ETABLISSEMENT de relations économiques étroites et favorables entre la Belgique et la Grande Bretagne, conséquence naturelle des sympathies séculaires qui lient les deux pays en même temps que de l'union plus étroite encore qu'autrefois qui s'est établie entre eux pendant la guerre, a pour base la nécessité d'assurer la restauration industrielle et commerciale du pays en même temps de permettre la stabilisation de son change.

Il ne faut pas perdre de vue à cette fin, que le mal causé à la Belgique au point de vue industriel, ne réside pas seulement, ni même pour la plus grande partie, dans l'enlèvement du matériel et la destruction d'un certain nombre d'usines. A côté de ces enlèvements et destructions, il faut, en effet, retenir en tout premier lieu l'épuisement complet des stocks réquisitionnés par les Allemands et la suppression, pendant plus de quatre années, de tout commerce extérieur. La Belgique étant essentiellement un pays d'exportation, cet enlèvement de stocks et cette rupture de relations avec sa clientèle étrangère, ont une influence plus profonde encore que la destruction matérielle même.

Pour y remédier, il est indispensable que la place occupée autrefois par la Belgique sur le marché mondial puisse lui être assurée. Actuellement, elle est, de tous les pays alliés, le seul pays qui, ayant subi une occupation presque totale de son territoire et ayant subi les destructions et enlèvements que cette occupation a entraînés soit placé en état d'infériorité pour reprendre la lutte économique.

Il suit de là que la situation n'est plus la même qu'à l'époque où les divers pays, et notamment la Grande Bretagne, faisaient des traites de commerce avec la clause de la nation la plus favorisée. Cette clause se comprenait en temps de paix lorsque toutes les situations étaient les mêmes et elle exprimait l'égalité du point de départ dans la lutte, ce qui n'était que justice. Aujourd'hui, l'un des concurrents a été détruit, pillé et occupé; il importe, par conséquent, pour assurer à nouveau l'égalité du point de départ qu'on commence par le rétablir dans une situation similaire à celle des autres pays.

Si l'on s'arrête à cette idée, l'on comprendra aisément que le maintenir, pendant la période nécessaire à sa restauration, sur le pied des autres nations et dire par conséquent que les avantages qu'on lui ferait devraient être accordés à ces autres pays également en vertu de la clause de la nation la plus favorisée, ce serait, en réalité traiter la Belgique comme une nation non favorisée. Ce serait, en d'autres termes, avantager tous les autres à son détriment.

La Belgique demande donc que, non pas pour toujours, mais pour le temps qui sera indispensable à lui permettre de se restaurer, c'est-à-dire de rebâtir ses usines, de réinstaller son matériel, de reconstituer ses stocks, de recommencer sa fabrication et ses exportations et de se procurer un change stable, la Grande Bretagne lui assure certains avantages.

Ces avantages pourraient se résumer comme suit:

1. Pendant une période à déterminer, les marchandises désignées ci-après importées de Belgique dans la Grande Bretagne seront exemptes de droits d'entrée. A l'expiration de la période fixée ci-dessus ses marchandises ne paieront pas de droits plus élevés que les mêmes marchandises de toute autre provenance étrangère.

Amidon.
Beurre et margarine.
Caoutchouc ouvré.
Ciment.
Collé forte.
Cordages.
File de laine, de coton et de lin.
Fruits.
Ganterie.
Houblon.
Huiles végétales.
Instruments de musique.
Ivoire brut.
Fer et acier (produits bruts et fabricats).
Machines et mécaniques (y compris les voitures pour chemins de fer et tramways).
Mercerie et quincaillerie.
Meubles.
Papiers.
Peaux.
Pommes de terre.
Teintures et couleurs.
Tissus de coton, de laine, de lin, de chanvre et de jute.
Ustensiles de ménage.
Verrerie et gobeletterie.
Zinc (produits bruts et fabricats).

2. Les articles suivants, actuellement frappés de droits à l'entrée dans la Grande Bretagne, jouiront, quand ils seront importés de Belgique, de droits préférentiels intermédiaires entre les droits perçus sur les importations des Dominions et les droits perçus sur les importations étrangères :

Allumettes.
Sucre.
Films non impressionnés.
Voitures automobiles.

EXTRACTS FROM CIRCULAR A, COMMERCIAL, 111/18.

DURING the period of reconstruction after the termination of hostilities many problems will arise similar to those with which His Majesty's Government have been confronted during the War. The territories of several of His Majesty's Allies have been ravaged during the War, and in addition financial burdens will have been incurred and feelings engendered which must of necessity prevent the restoration of trade to its normal channels immediately after the proclamation of peace. In some ways these problems may be even more urgent than those which have arisen during the War. The duty of His Majesty's Government to assist to their utmost in the rapid restoration of the industries of the Allied countries which have experienced the full effects of the War will clearly be an obligation of pressing importance.

The measures which Great Britain may feel bound to take for the purpose of assisting her Allies to recover from the effects of the War cannot be foreseen in detail at present, but His Majesty's Government cannot but realize that some of them may run counter to the letter of the provisions of the treaty of . . . in that they would not affect equally all foreign nations. His Majesty's Government, however, trust that from the explanations given above the . . . Government will realize that it is the letter only of the treaty which may be infringed and not the spirit. Whatever form these special arrangements take they will be merely temporary in character, for they will be limited in time to the period of recovery from the War. It will, of course, subject to the above, be the object, as it is the duty, of His Majesty's Government to fulfil to the utmost the obligations which the commercial treaties by which they are bound impose upon them.

His Majesty's Government have given this early indication of their intention because it is their wish to preserve intact their commercial relations with all friendly nations, and they are anxious to avoid any complaint at a later stage that if the reconstruction period after the War may necessitate special measures for the benefit of the Allies which were not foreseen at the time the treaties were negotiated, it was the duty of His Majesty's Government to free themselves from the obligations of the treaties by giving notice to denounce them. The power to denounce is mutual, but His Majesty's Government sincerely hope that the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for terminating the commercial relations which have so happily and so long endured with the . . .

Enclosure 2 in No. 102.

(C.R.T. 6489.)

Board of Trade (Commercial Relations and Treaties Department),
My Lord, Gwydyr House, Whitehall, S.W.1.

WITH reference to your letter of the 17th July No. 95346/C/104, transmitting copy of a letter from Mr. Herbert Samuel, with enclosure respecting the commercial relations between this country and Belgium, I am directed by the Board of Trade to state that they have given the matter their careful consideration, and now desire me to offer the following observations in regard thereto:—

1. As regards the proposal that in the case of matches, sugar, unprinted films, and motor-cars, Belgian goods should be subject to a rate of duty intermediate between the general rate and that applied to Imperial goods, the Board desire me to say that the decision of the Cabinet not to admit Belgium to the advantages of Imperial preference must be held, in their opinion, to apply equally to any proposal for a partial share in that preference. The objections to the proposal remain, in the Board's view, the same in kind, even though the number of articles in question is reduced to a limited list and the extent of the preference asked for is not for the whole but only a part of the preference accorded to Imperial goods.

2. The Board are further of opinion that, notwithstanding the notification made by His Majesty's Government to neutral Governments as to the possibility of certain discriminations not in strict accordance with the letter of treaty obligations having to be made, in favour of Allied countries, in order to assist their restoration, it would be difficult, if not impossible, to justify so complete a disregard of the provisions of the treaties in question as would be involved by the admission of large classes of goods from one Allied country free of duty whilst withholding freedom of duty from similar goods imported from neutral and other Allied countries.

3. As regards the proposal that for a period to be determined certain commodities of which a list was supplied by the Belgian Government should, if of Belgian origin, continue to be admitted free of duty, and after that period should enjoy most-favoured [? nation] treatment, I am to point out that the list includes musical instruments, which are, in fact, already dutiable, and subject, in the case of Empire goods, to a preference; dyes and glassware, some descriptions of which are at present prohibited from importation, and are hereafter to receive special treatment as unstable key industries; and hops, whose importation is also prohibited, and is only permitted under licence in qualities and quantities as required. There remain, however, a number of articles in respect of which, so far as the Board are aware, there is no present intention of imposing any import duty or any restriction on importation.

4. While, however, it is not, so far as the Board are aware, proposed at present to introduce a general tariff in the United Kingdom, it appears to them that the introduction of such a tariff in the future would be almost impossible if the desired undertaking to admit all the goods now in question free of duty were given to the Belgian Government; and the Board are not prepared to make any recommendation which might so seriously embarrass a future Government. It may be observed in passing that although in the Anglo-Japanese Treaty of 1911 His Majesty's Government guaranteed freedom of duty for certain descriptions of goods of Japanese origin, not only were they at pains to include in the

list of manufactured articles goods which were hardly imported to any extent from any other country, but even as regards these goods they inserted in the treaty a provision enabling this country to terminate that particular obligation at any time by giving a year's notice, so that neither in regard to the extent of the obligation, nor in regard to its duration, should the hands of any future Government be seriously tied. In the Belgian list there is, so far as the Board are aware, not a single article in which any monopoly is enjoyed by Belgium approaching that enjoyed by Japan in respect of the articles scheduled to the Japanese treaty, and a guarantee of freedom from duty for a single year would, it is to be feared, be of little value to Belgium.

5. In all the circumstances, therefore, the Board are reluctantly forced to the conclusion that the concessions asked for by the Belgian Government could not properly be afforded by His Majesty's Government.

6. I am, however, to suggest for Lord Curzon's consideration that the Belgian Government might be informed that His Majesty's Government would be prepared to agree to an exchange of notes extending for a period of five years at least the arrangement by which most-favoured-nation treatment is at present accorded by each country to the other, that there is no present intention of imposing restrictions on the importation from Belgium of goods other than those at present dutiable or subject to import prohibition, and that in examining any future proposal for further restrictions or new Customs duties His Majesty's Government will carefully bear in mind the Belgian interests involved.

I have, &c.,

H. FOUNTAIN.

The Under Secretary of State,
Foreign Office.

Enclosure 3 in No. 102.

(No. 213. Commercial.)
(138364/C/104.)

SIR, Foreign Office, S.W.1, 31st October, 1919.
As Your Excellency is aware, on 27th June last Mr. Herbert Samuel addressed to me a despatch covering a memorandum which he had received from Monsieur Jaspar, and in which the desires of the Belgian Government to obtain certain concessions from His Majesty's Government were set forth. The Belgian proposals were two in number, namely (a) that His Majesty's Government should guarantee that certain goods not at present liable to import duties in the United Kingdom should continue, for a period of years to be determined, to enjoy exemption from duty when emanating from Belgium, and that at the end of this period no duty should be imposed upon such goods higher than that imposed upon the same commodities emanating from any other foreign country; (b) that certain goods at present dutiable in this country should, when of Belgian origin, enjoy a special rate of duty intermediate between the general rate and that applied to goods emanating from all parts of the British Empire.

2. I referred these questions to the Board of Trade, and from a letter, of which a copy is enclosed, Your Excellency will observe that the Board are unable to agree to the proposals of the Belgian Government. As regards question (a) the Board base their refusal on their unwillingness to take any action which would render almost impossible the imposition of a general tariff should His Majesty's Government at any future date desire to adopt such a policy. As regards question (b), the Board consider that, notwithstanding the announcement of His Majesty's Government to the effect that during the period of reconstruction they might be forced to take measures not strictly in accordance with their treaty obligations, His Majesty's Government would not be able to justify so complete a disregard of their treaties should they admit goods from Belgium at the special rate suggested by Monsieur Jaspar.

3. It now remains to inform the Belgian Government of the inability of His Majesty's Government to grant their demands, and I shall be glad if Your Excellency will, in bringing to the notice of that Government the reasons which have prompted this refusal, express the great regret which His Majesty's Government feel in being unable to comply with these proposals. At the same time Your Excellency should point out that, except as regards the special rate of duty

referred to in question (b), the Belgian Government would, in point of fact, gain little or no material advantage, since there is at present no intention on the part of His Majesty's Government to impose restrictions on the importation from Belgium of goods other than those at present dutiable or subject to import restrictions. I also request that Your Excellency will call the attention of the Belgian Government to the position as regards musical instruments, dyes, glassware, and hops, as set forth in paragraph 3 of the letter from the Board of Trade.

4. The Board of Trade propose that His Majesty's Government and the Belgian Government should, by an exchange of notes, extend for a period of five years at least the arrangement by which most-favoured-nation treatment is at present accorded by each country to the other. I shall be glad if Your Excellency will bring this proposal to the notice of the Belgian Government and inquire whether they desire to avail themselves of this offer.

I am, &c.,
(for Earl Curzon of Kedleston.)

His Excellency
The Right Honourable
Sir F. Villiers, G.C.M.G., G.C.V.O.,
&c., &c., &c.

(2). Modus Vivendi, 1898.
(Withdrawal of Queensland.)

52397

No. 103.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.20 p.m., 9th September, 1919.)

TELEGRAM.

[Answered by No. 104.]

With reference to previous correspondence relative to withdrawal of Commonwealth from commercial treaties and arrangements Great Britain binding on Dominions, it appears that under Anglo-Belgian *modus vivendi* established by notes of 27th July, 1898, and adhered to by Queensland, February, 1899, Commonwealth is bound to accord British preference, or at least most favoured nation treatment, to Belgian goods imported into Queensland. If this is so, desire that immediate notice be given to Government of Belgium of withdrawal of Commonwealth on behalf of Queensland.—FERGUSON.

59685

No. 104.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 392.)

SIR, Downing Street, 29th October, 1919.
With reference to Your Excellency's telegram of the 9th of September,* I have the honour to transmit to you, to be laid before your Ministers, a copy of a note to the Belgian Minister for Foreign Affairs giving notice of the withdrawal of the Commonwealth Government, on behalf of Queensland, from the Anglo-Belgian *modus vivendi* of 1898.

I have, &c.,
MILNER.

* No. 103.

Enclosure in No. 104.

MONSIEUR LE MINISTRE,

Brussels, 10th October, 1919.

I HAVE the honour to inform Your Excellency, under instructions from Earl Curzon of Kedleston, that the Government of the Commonwealth of Australia have expressed a desire to withdraw on behalf of Queensland from the commercial *modus vivendi* concluded between His Majesty's Government and the Belgian Government by an exchange of notes, dated 27th July, 1898. The adhesion of the Queensland Government to the agreement was communicated to the Belgian Government by Sir Francis Plunkett in his note of 6th February, 1899.

This decision on the part of the Commonwealth Government has been taken in accordance with the general policy followed by them in recent years of freeing themselves, as opportunity offered, from commercial treaties which became binding in Australia prior to Federation. It is understood that the attention of the Commonwealth has only lately been drawn in this connexion to the agreement now in question.

I have, accordingly, the honour hereby to give notice to Your Excellency of the withdrawal of Queensland from the agreement.

I avail myself, &c.,

HUGH GURNEY.

His Excellency

Monsieur Paul Hymans,

&c.,

&c.,

&c.

62321

No. 105.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 419.)

Sir,

Downing Street, 12th November, 1919.

WITH reference to my despatch No. 392 of the 29th October,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a note from the Belgian Minister for Foreign Affairs, and of an extract from the *Moniteur Belge*, relative to the withdrawal of Queensland from the Anglo-Belgian *modus vivendi* of 1898.

I have, &c.,

MILNER.

Enclosure 1 in No. 105.

Ministère des Affaires Etrangères,

Bruxelles, 21 octobre, 1919.

MONSIEUR L'AMBASSADEUR,

PAR une communication datée du 10 octobre courant, l'Ambassade m'a notifié la dénonciation, par le Queensland, du *Modus Vivendi Commercial* intervenu le 27 juillet, 1898, entre la Belgique et le Royaume-Uni de Grande-Bretagne et d'Irlande, *modus vivendi* auquel le Queensland avait adhéré sous la date du 6 février, 1899.

J'ai l'honneur de donner acte à Votre Excellence de cette notification.

Conformément aux stipulations du dit arrangement du 27 juillet, 1898, les engagements que celui-ci comporte prendront fin, en ce qui concerne les relations entre la Belgique et le Queensland, trois mois après la date de la dénonciation, soit le 10 janvier, 1920.

Je saisis, &c.,

Pour le Ministre:

Le Chef du Cabinet,

DE BORCHGRAVE.

Son Excellence

le Très Honorable

Sir Francis Hyde Villiers,

Bruxelles.

* No. 104.

Enclosure 2 in No. 105.

Extract from "Moniteur Belge," 29 octobre, 1919.

Par une communication datée du 10 octobre, 1919, l'Ambassade de S. M. Britannique à Bruxelles a notifié au Gouvernement belge la dénonciation, par le Queensland, du *modus vivendi* commercial intervenu le 27 juillet, 1898, entre la Belgique et le Royaume-Uni de Grande-Bretagne et d'Irlande, *modus vivendi* auquel le Queensland avait adhéré sous la date du 6 février, 1899.

En conséquence, et conformément aux stipulations dudit arrangement, les engagements que celui-ci comporte cesseront d'être applicables aux relations entre la Belgique et le Queensland trois mois après la date de la dénonciation, soit le 10 janvier, 1920.

En notifiant la dénonciation dont il s'agit, l'Ambassade de S. M. Britannique a fait savoir que celle-ci avait été arrêtée en exécution de la décision générale prise par le Gouvernement de la Fédération australienne, de mettre fin aux accords commerciaux intervenus avec des Etats de l'Australie antérieurement à la constitution de la Fédération.

Certifié par le Directeur général du Commerce et des Consuls.

J. B.

(3) Neutrality Treaty.

71445

No. 106.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th December, 1919.)

[Answered by No. 107.]

Sir,

Foreign Office, 16th December, 1919.

I AM directed by Earl Curzon of Kedleston to state, for the information of Colonel Amery, that negotiations have for some time been proceeding in Paris between representatives of the Allied and Associated Powers and the Belgian and Netherlands Governments for the purpose of framing a Treaty for the abrogation of the Treaty of 1839, whereby the perpetual neutrality of Belgium was affirmed and the inviolability and the integrity of Belgium was guaranteed by certain of the Great Powers.

2. It is anticipated that in a short time an agreement will be reached in regard to this matter, and that a Treaty will be drawn up which will require signature by a representative of the British Empire. The question arises whether it will be necessary to make provision in the Treaty for its signature by the various Self-Governing Dominions of the Empire. The Treaty of 1839 was, of course, signed only in the name of Queen Victoria, but as the Treaty which is to replace the Treaty of 1839 will also, in all probability, contain some provision relative to the guarantee of Belgium against foreign aggression, it seems to Lord Curzon almost essential that the Self-Governing Dominions should participate in the signature, and that the Treaty should therefore be executed in the name of the British Empire.

3. I am accordingly to request that Colonel Amery's views on this question may be communicated to Lord Curzon with the least possible delay, in order that a definite decision may be taken, and that the British delegate in Paris may be advised thereof, so that the necessary stipulations may be introduced into the draft Treaty.

I am, &c.,

GERALD SPICER.

71445

No. 107.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 108.]

SIR,

Downing Street, 23rd December, 1919.

I AM directed to acknowledge the receipt of your letter of the 16th December,* with reference to the proposed Treaty to replace those of 1839 concerning the neutrality of Belgium.

2. Colonel Amery notes that it is intended that the new Treaty shall contain some provision relative to the guarantee of Belgium against foreign aggression. He presumes that any such guarantee will follow the lines of that given to France in the recent Treaty respecting assistance to France in the event of unprovoked aggression by Germany [Cmd. 221]. If this is so it seems desirable to follow the French precedent closely, a clause being inserted in the Belgian Treaty to provide that it shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by the Parliament of the Dominion concerned. In this case the Treaty need be signed only by representatives of His Majesty's Government.

3. In this connexion it will be remembered that, so far, the only Dominion which has approved the French Treaty is Australia, and that General Botha, whilst in Paris, intimated to Mr. Lloyd George that he was not prepared in any circumstances to pledge South Africa to join in the guarantee to France.

4. If it is proposed that any further arrangements should be included in the new agreement concerning Belgium now under discussion, it would be best in Colonel Amery's opinion that these, which would presumably form part of the general Peace settlement (see article 31 of the Treaty with Germany, and article 83 of the Treaty with Austria), should form the subject of a separate Treaty. This Treaty would, he presumes, be signed by representatives of the Self-governing Dominions as well as of His Majesty's Government, in accordance with the practice followed in other treaties and covenants arising out of the Peace settlement.

5. I am to ask that drafts of the proposed Treaty or Treaties may be sent to this Department as soon as possible, so that the Dominion Governments may be informed of the position.

I am, &c.,

HENRY LAMBERT.

186

No. 108.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2nd January, 1920.)

SIR,

Foreign Office, 1st January, 1920.

I AM directed by Earl Curzon of Kedleston to acknowledge receipt of your letter of the 23rd ultimo,† with reference to the proposed Treaty to replace the Treaties of 1839 concerning the neutrality of Belgium, and to state that a copy of your letter has been forwarded to the Chief British Peace Delegate at Paris for his information and guidance.

2. I am to add that the point raised in paragraph 4 of your letter under reply is not likely to arise, and His Lordship does not, therefore, anticipate that representatives of the self-governing Dominions of His Majesty's Government will be required to sign any treaty on this subject.

3. As soon as the Treaty has been finally drawn up, a copy will be forwarded for Colonel Amery's information.

I am, &c.,

GERALD SPICER.

* No. 106.

† No. 107.

BERLIN AND BRUSSELS ACTS REVISION CONVENTION.

(Treaty Series, 1919, No. 18.)

65545

No. 109.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by Nos. 110, 111, 112, 113, and 116.]

(Canada. No. 536.)

(Commonwealth of Australia. No. 417.)

(New Zealand. No. 198.)

(Union of South Africa. No. 600.)

Downing Street,

[MY LORD DUKE,] [MY LORD,] [SIR,]

[11th] [12th] November, 1919.

WITH reference to my despatch Dominions No. 806, of the 29th October,* and previous correspondence, I have the honour to request Your Excellency to inform your Ministers that [To Union of South Africa: His Majesty's Government would be glad to be informed as soon as possible by telegraph whether they see any objection to ratification by His Majesty of the Convention for the revision of the Berlin and Brussels Acts,] [To Canada, Commonwealth of Australia and New Zealand: unless they see any objection, it is proposed to advise His Majesty, in due course, to ratify the Convention for the revision of the Berlin and Brussels Acts,] signed at St. Germain on 10th September, 1919.

I have, &c.,

MILNER.

70306B

No. 110.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.0 p.m., 10th December, 1919.)

TELEGRAM.

[Answered by No. 117.]

(Extract.)

10TH DECEMBER. Your despatch 12th November, No. 600,† . . . Ministers see no objection to ratification of Convention referred to.—BUXTON.

70545

No. 111.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 p.m., 11th December, 1919.)

TELEGRAM.

[Answered by No. 117.]

11TH DECEMBER. Your despatch 11th November, No. 536,† Convention for revision of Berlin and Brussels Acts. Order in Council passed 9th December authorizing ratification of Treaty on behalf of Canada. Despatch follows by mail.—DEVONSHIRE.

* 58240: not printed. This and previous despatches forwarded copies of the Convention which is published as Treaty Series, 1919, No. 18. † No. 109.

73346

No. 112.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th December, 1919).

(No. 902.)

MY LORD,

Government House, Ottawa, 15th December, 1919.

WITH reference to your despatch No. 536 of the 11th November,* respecting the ratification of the Convention for the Revision of the Berlin and Brussels Acts, I have the honour to transmit, herewith, a copy of an Order in Council recommending that His Majesty the King be humbly moved to ratify the said Convention for and in respect of the Dominion of Canada.

It was upon this Order in Council that my telegram of the 11th instant† was based.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 112.

AT THE GOVERNMENT HOUSE AT OTTAWA, TUESDAY, THE 9TH DAY OF DECEMBER, 1919.

(P. C. 2458.)

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL:

WHEREAS at Saint Germain-en-Laye on the tenth day of September, nineteen hundred and nineteen, a Convention revising the General Act of the African Conference, signed at Berlin on 26th February, 1885, and the General Act and Declaration of Brussels of 2nd July, 1890, was concluded between certain Powers and was signed on behalf of His Majesty for and in respect of the Dominion of Canada by a plenipotentiary duly authorized for that purpose by His Majesty on the advice and recommendation of the Government of the Dominion of Canada;

And whereas it is expedient that the said Convention be ratified by His Majesty for and in respect of the Dominion of Canada;

Now therefore, His Excellency the Governor-General in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to order and doth hereby order, that His Majesty the King be humbly moved to approve, accept, confirm, and ratify the said Convention for and in respect of the Dominion of Canada.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

2986

No. 113.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.35 a.m., 17th January, 1920.)

TELEGRAM.

[Answered by No. 117.]

17TH JANUARY. Your despatch 12th November, No. 198,* Government of New Zealand agrees to ratification of Berlin and Brussels Acts Revision Convention.—LIVERPOOL.

* No. 109.

† No. 111.

12935

No. 114.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.10 p.m., 12th April, 1920.)

TELEGRAM.

[Answered by No. 116.]

My despatch 12th November, No. 417,* Berlin and Brussels Acts Revision Convention. Should be glad to learn as soon as possible that your Ministers agree to ratification. Canada, New Zealand, and Union of South Africa have agreed, and it is to be desired that His Majesty should ratify without further delay.—MILNER.

12935

No. 115.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 28th April, 1920.)

TELEGRAM.

[Answered by No. 116.]

My telegram 12th April† Berlin and Brussels Acts. Earnestly trust that you will be able to reply as to ratification of new Convention within next few days. Very important to bring Convention into force as soon as possible, in order to free British Administrations East Africa from existing restrictions as to scale of Customs duties, and we cannot press other Powers to ratify, and neutral Powers concerned to adhere, until His Majesty has ratified.—MILNER.

24244

No. 116.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.43 p.m., 15th May, 1920.)

TELEGRAM.

[Answered by No. 117.]

15TH MAY. Your telegram 28th April‡ Berlin Brussels Acts Convention. Government of Commonwealth of Australia agrees to ratification.—MUNRO FERGUSON.

40061

No. 117.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

- (1) Canada.
- (2) Commonwealth of Australia.
- (3) New Zealand.
- (4) Union of South Africa.
- (5) Newfoundland.

Dominions No. 345.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 16th August, 1920.

WITH reference to [Your Excellency's telegram§ of the [(1) 11th December,] [(2) 15th May,] [(3) 17th January,] [(4) 10th December,]] [To (5) only: my

* No. 109.

† No. 114.

‡ No. 115.

§ Nos. 111, 110, 113, and 110.

despatch, Dominions No. 8, of the 5th January,*] I have the honour to transmit to you, for the information of your Ministers, a copy of a despatch from His Majesty's Chargé d'Affaires at Paris, reporting the deposit, on the 31st July, of His Majesty's Ratification of the Convention for the revision of the General Act of Berlin, 1885, and the General Act and Declaration of Brussels, 1890, which was signed at St. Germain-en-Laye, on the 10th September, 1919.

I have, &c.,
MILNER.

Enclosure in No. 117.

(No. 2439.)

My LORD, British Embassy, Paris, 31st July, 1920.
WITH reference to Your Lordship's despatch No. 1968, of June 10th, regarding the ratification of the Convention revising the General Act of Berlin of 26th February, 1885, and the General Act and Declaration of Brussels, of 2nd July, 1890, I have the honour to state that I to-day deposited His Majesty's Ratification of the above-mentioned Convention at the French Ministry for Foreign Affairs and signed the Procès Verbal of deposit of ratification together with the Belgian Ambassador, Belgium being the only other signatory Power which had notified its readiness to deposit its Ratification of the said Convention.

I have, &c.,
(For the Ambassador),
GEORGE GRAHAME.

The Right Honourable
The Earl Curzon of Kedleston, K.G., P.C.,
etc., etc., etc.

BRITISH POSSESSIONS IN THE PACIFIC.

Proposed consultation with Australia and New Zealand as regards
application of Commercial Treaties to—

34369

No. 118.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.42 a.m., 13th July, 1920).

TELEGRAM.

(Paraphrase.)

THE Commonwealth Government desires to be consulted before any commercial treaties giving right of entry and residence in British Possessions in the Pacific are entered into by British Government, in view of strategic importance of these possessions for defence of Commonwealth and of possibility that foreign Powers having aggressive designs against Commonwealth might seek to make use of them in preparing their plans against the Commonwealth against which no administrative supervision could be an adequate safeguard. Commonwealth Government would be glad to be supplied with lists of commercial treaties (and of any other treaties giving similar rights to those given by commercial treaties) which extend to various groups. New Zealand is being informed. Despatch follows.—MUNRO FERGUSON.

* 58340: not printed. See note to No. 109.

34360

No. 119.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 121.]

(Confidential.)

SIR,

Downing Street, 13th August, 1920.

I AM directed by Viscount Milner to transmit to you, for the observations of Earl Curzon of Kedleston, a copy of a telegram* from the Governor-General of the Commonwealth of Australia regarding the desire of the Commonwealth Government to be consulted before any commercial Treaties giving right of entry and residence in British Possessions in the Pacific are entered into by His Majesty's Government.

2. As regards the first part of the Governor-General's telegram, I am to observe that, so far as future commercial Treaties are concerned (which it is presumed are the only ones likely to confer rights of the kind dealt with), the modern form of "Colonial Article" under which the Treaties do not apply outside the United Kingdom, except by special adherence provides a safeguard sufficient to enable His Majesty's Government to give effect to the wishes of the Commonwealth Government.

3. As to the second part of the telegram, the main territories in the Pacific, which should be borne in mind in this connexion, are Fiji, the Gilbert and Ellice Islands Colony, the Solomon Islands Protectorate, and Tonga. There are also certain isolated islands not falling within any of the groups above mentioned, but it does not seem necessary to deal specially with them.

4. As regards Fiji, the Gilbert and Ellice Islands and the Solomon Islands, Lord Milner would be glad if Lord Curzon could supply a list of commercial Treaties applicable to these territories classified under the following heads:—

- A. *Colonies* (1). Those which extend to Colonies either as being applicable to all of His Majesty's dominions (as in the case of the Liberian Treaty of 1848) or to His Majesty's dominions other than the self-governing Dominions (as in the case of the Treaty with Italy of 1883).
- (2) Those which apply to Colonies by adherence (as in the case of the Treaty with Montenegro of 1910).

B. *Protectorates*. Those which apply by adherence.

5. It will be remembered that the Gilbert and Ellice Islands were annexed on 10th November, 1915, and it is presumed that adherence to Treaties in respect of these Islands at a time when they formed a Protectorate applies to them also as a Colony.

6. As regards Tonga, the Treaty with Germany of 1876 was, as Lord Curzon will be aware, terminated by the outbreak of war, and the Treaty with the United States of 1886 has recently been abrogated. So far as Lord Milner knows, there remains only the Treaty with France of 1855 (page 373 of State Papers Vol. 65 (1873 and 1874)), and he will be glad to learn whether Lord Curzon agrees that there are no other Treaties between Tonga and foreign Powers in existence.

7. A copy of this letter, with its enclosure, is being sent to the Board of Trade.

I am, &c.,
H. J. READ.

43010

No. 120.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st August, 1920.)

(Secret.)

MY LORD,

Governor-General's Office, Melbourne, 13th July, 1920.

IN continuation of my telegram of to-day's date,* I have the honour, at the instance of my Prime Minister, to inform Your Lordship that the Commonwealth Government would be glad to be consulted in future before any commercial treaties are entered into which give rights to aliens in British Possessions in the Pacific.

* No. 118.

My Prime Minister points out that many British Possessions in the Pacific are in positions having a strategic importance for the defence of the Commonwealth as, for instance, the British Solomon Islands, which are as important in regard to the defence of the Commonwealth as the former German possessions to the north and west of them. Foreign Powers having aggressive designs against the Commonwealth might seek to make use of the islands in times of peace in preparing their plans against the Commonwealth. Many of the islands are isolated and rarely visited, and no administrative supervision could be an adequate safeguard against such use of them.

For these reasons the Commonwealth Government feels that it should be consulted before any commercial treaties giving rights of entry and residence in the British possessions in the Pacific are entered into by His Majesty's Government.

The Commonwealth Government would be glad also to be supplied with lists of the commercial treaties (and of any other treaties giving rights similar to those given by commercial treaties) which extend to the various islands in the Pacific.

In accordance with the desire of my Ministers, I have sent a copy of this despatch to the Governor-General of New Zealand.

I have, &c.,
R. M. FERGUSON,
Governor-General.

45026

No. 121.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10th September, 1920.)

[Answered by No. 122.]

SIR, Foreign Office, S.W.1, 9th September, 1920.

WITH reference to your letter of the 13th ultimo,* I am directed by Earl Curzon of Kedleston to transmit to you herewith a copy of a memorandum by Mr. G. J. Stanley, C.B., C.M.G., on the commercial Treaties of the United Kingdom, in which will be found the information for which Viscount Milner asks in the fourth paragraph of your letter under reference.

2. Lord Curzon concurs in the assumption in the fifth paragraph of your letter that adherence to Treaties in respect of the Gilbert and Ellice Islands at a time when they formed a Protectorate applies to them also as a Colony.

3. Lord Curzon agrees with Lord Milner that, since the Treaty between Tonga and the United States of America of 1886 has been denounced by His Majesty's Government on behalf of the Queen of Tonga, there remains only the Treaty with France of 1855.

I am, &c.,
ERIC PHIPPS.

45026

No. 122.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 25th September, 1920.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of 9th September,† regarding Treaties giving the right of entry into, and residence in, British Possessions in the Pacific.

2. Lord Milner would, in any case, hesitate to reply to an inquiry similar to that made by the Commonwealth Government in the Governor-General's telegram of the 13th of July‡ by referring to a memorandum drawn up three years ago. In the present instance, however, there appear to be insuperable objections to treating Mr. Stanley's memorandum as supplying the information required by the Commonwealth Government.

3. Some of the Treaties dealt with by Mr. Stanley have already been modified. Thus notice has been given by the Government of Greece to terminate the commercial

* No. 119. † Printed as "First Report" to President, Board of Trade, and dated September, 1917. ‡ No. 121. § No. 118.

arrangements described on pages 28-30 of the memorandum, with effect from 3rd March, 1920. (See *London Gazette* of 17th June, 1919.) Again the commercial arrangements with France are now subject to termination at any time on three months' notice from either side.

4. Further, the memorandum in question is incomplete, in that it does not refer in all cases *nominatim* to the Colonies and Protectorates to which the various Treaties apply. Thus, in the case of the Treaty with Japan, of 1911 (which is, of course, of special interest to the Commonwealth Government), the memorandum merely states (page 11) that "practically the whole" of the Colonies and Protectorates have adhered to it, and it implies (p. 106) that all the Colonies and Protectorates have adhered. These phrases would naturally lead the Commonwealth Government to suppose that the Treaty in question was applicable to Fiji, the Gilbert and Ellice Islands, and the Solomon Islands, whereas, as Lord Curzon is aware, it is not, in fact, applicable.

5. Finally, the memorandum necessarily takes no account of the changes arising out of the Peace Settlement, and Lord Milner is in some doubt how far some of the Treaties mentioned are still operative, e.g., whether the Treaty with Montenegro of 1910 (pp. 34-5) is still in force, and what is the extent of the territory now covered by the provisions of the Treaty with Serbia of 1907 (pages 52-3).

6. In the circumstances, I am to suggest that a detailed memorandum should be prepared in the Foreign Office containing the information asked for by the Commonwealth Government, in the form suggested in paragraph 4 of Colonial Office letter of 13th August.*

I am, &c.,
HENRY LAMBERT.

53424

No. 123.

NEW ZEALAND.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 1st November, 1920.)

(Secret. (3))

MY LORD, Government House, Wellington, 1st September, 1920.

I HAVE the honour to transmit to Your Lordship copy of a despatch, together with enclosure,† which I have received from the Governor-General of Australia, relative to the desire of the Commonwealth Government to be consulted in future by the Imperial Government before any commercial treaties are entered into which give rights to aliens in British Possessions in the Pacific.

2. The Prime Minister informs me that the matter has received the careful consideration of the Government of New Zealand, who are fully in accord with the representations that have been preferred by the Commonwealth. Mr. Massey has accordingly recommended me to express to you on behalf of the Dominion Government a request similar to that made in the despatch from the Governor-General of the Commonwealth.

I have, &c.,
ROBERT STOUT,
Administrator.

Enclosure in No. 123.

(Secret.)

Commonwealth of Australia,

SIR, Governor-General's Office, Melbourne, 13th July, 1920.

I HAVE the honour, at the instance of my Prime Minister, to forward, for the information of the Government of the Dominion of New Zealand, the attached copy of a despatch‡ which I have this day addressed to the Secretary of State for the Colonies, communicating the desire of the Commonwealth Government to be consulted in future before any commercial treaties are entered into which give rights to aliens in British Possessions in the Pacific.

* No. 119. † No. 120.

My Ministers ask that the despatch be brought to the notice of Your Excellency's Ministers for information should the Dominion think fit to make a similar request to His Majesty's Government.

I have, &c.,
R. M. FERGUSON,
Governor-General.

His Excellency
The Administrator of the New Zealand Government,
Wellington.

53424

No. 124.

COLONIAL OFFICE to FOREIGN OFFICE

Sir, Downing Street, 16th November, 1920.
With reference to the letters from this department, of the 25th September,* and 28th October,† I am directed by Viscount Milner to transmit to you, to be laid before Earl Curzon of Kedleston, a copy of a despatch‡ from the Office Administering the Government of New Zealand reporting that his Ministers desire to be consulted in future by the Imperial Government before any commercial Treaties are entered into which give rights to aliens in British Possessions in the Pacific.

2. A copy of the second enclosure§ in the Officer Administering the Government's despatch accompanied the letter from this department of the 7th September.||

I am, &c.,
G. GRINDLE.

BULGARIA.

Treaty of Peace (Neuilly.)
(Treaty Series, 1920, No. 5.)

5503

No. 125.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 42.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th January, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, one copy, in French, English, and Italian, of the Treaty of Peace between the Allied and Associated Powers and Bulgaria, with Protocol, signed at Neuilly, on 27th November, 1919.†

2. I also enclose one copy, in French, of the Convention regarding emigration between Greece and Bulgaria,** signed at the same place, and on the same date, by the representatives of Greece and Bulgaria. The reasons for this Convention are explained by its preamble and by reference to Article 56 of the Treaty with Bulgaria.

I have, &c.,
(For the Secretary of State).
L. S. AMERY.

* No. 122. † Reminder: not printed. ‡ No. 123. § No. 120. || L.F., forwarding copy of No. 120. ¶ Published as Treaty Series, 1920, No. 5. ** Published as [Cmd. 589].

7039

No. 126.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 10.45 a.m., 14th February, 1920.)

TELEGRAM.

[Answered by Nos. 127, 128, 129, 130, and 133.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

14TH FEBRUARY. My despatch 20th October, Dominions No. 788.* Notification received from Bulgarian Government that they are ready to ratify Treaty of Peace. Should be glad to learn as soon as possible whether your Ministers agree that His Majesty the King should ratify. Treaty with Protocol annexed, signed 27th November, enclosed in my despatch 28th January, Dominions No. 42.†—
SECRETARY OF STATE FOR THE COLONIES.

9248

No. 127.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.17 p.m., 20th February, 1920.)

TELEGRAM.

[Answered by Nos. 131 and 132.]

19TH FEBRUARY. Your telegram 14th February.‡ In view of policy adopted last session by my Ministers with reference to submission to Parliament for approval of Treaty of Peace with enemy countries, they think desirable to submit Bulgarian Treaty to Parliament. Parliament meets again on 28th February, and they inquire whether ratification could be delayed for this purpose without serious prejudice to important interests. They think action of Parliament can be completed at an early date.—DEVONSHIRE.

9569

No. 128.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.48 p.m., 21st February, 1920.)

TELEGRAM.

21ST FEBRUARY. Your telegram 14th February.‡ My Government agree that His Majesty should ratify Treaty of Peace with Bulgaria in any terms which appear proper to His Majesty.—LIVERPOOL.

9572

No. 129.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1 a.m., 23rd February, 1920.)

TELEGRAM.

18TH FEBRUARY. Your telegram 14th February.‡ My Ministers agree that His Majesty the King should ratify Treaty of Peace with Bulgaria.—BUXTON.

* 58941: not printed. This enclosed a proof copy of the Treaty. † No. 125. ‡ No. 126.

10503

No. 130.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.24 a.m., 27th February, 1920.)

TELEGRAM.

27TH FEBRUARY. Your telegram 14th February.* Government of Commonwealth of Australia agrees that His Majesty should ratify Treaty of Peace with Bulgaria.—FERGUSON.

10395

No. 131.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2 p.m., 28th February, 1920.)

TELEGRAM.

28TH FEBRUARY. Your telegram 19th February,† Bulgarian Treaty. Ratification can be delayed pending submission of Treaty to Canadian Parliament.—SECRETARY OF STATE FOR THE COLONIES.

14863

No. 132.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.55 p.m., 24th March, 1920.)

TELEGRAM.

[Answered by No. 133.]

24TH MARCH. Your telegram 19th February,† Bulgarian Treaty. It will probably be sufficient if action can be completed as soon as possible after Easter.—SECRETARY OF STATE FOR THE COLONIES.

18396

No. 133.

CANADA.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 7.15 a.m., 11th April, 1920.)

TELEGRAM.

10TH APRIL. Your telegram 24th March;‡ Treaty of Peace with Bulgaria. Minute of Council, 9th April, asked that His Majesty the King be humbly moved to approve, accept, confirm, and ratify said Treaty for and in respect of Dominion of Canada.

Note.—The Act of the Imperial Parliament to carry the Bulgarian Treaty into effect is 10 Geo. V, ch. 6 (23762/20). An Order in Council was passed on 13th August, 1920 (*London Gazette* No. 32025, page 8597), declaring 9th August, 1920, as the date of termination of the war with Bulgaria under the Termination of the Present War (Definition) Act, 1918 (42510/20).

The Treaty was ratified by the British Empire, France, Italy, Belgium, Siam, and Bulgaria on 9th August, 1920.

* No. 126.

† No. 127.

‡ No. 132.

CENTRAL EUROPEAN FRONTIERS TREATY.

42799

No. 134.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 390.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th September, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, [copies] [a copy] of a Treaty,* signed at Sèvres on the 10th August, 1920, between the Principal Allied and Associated Powers and Poland, Roumania, the Serb-Croat-Slovene State, and the Czecho-Slovak State, relative to certain frontiers of Poland, Roumania, the Serb-Croat-Slovene State, and the Czecho-Slovak State.

I have, etc.,

MILNER.

42799

No. 135.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 462.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 9th November, 1920.

WITH reference to my despatch Dominions No. 390, of the 11th of September,† I have the honour to request [Your Excellency] [you] to inform your Ministers that His Majesty's Ambassador at Paris has reported that the Roumanian plenipotentiaries signed an act of adhesion to the Central European Frontiers Treaty on the 25th of October, 1920.

I have, etc.,

MILNER.

58599

No. 136.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.22 p.m., 1st December, 1920.)

TELEGRAM.

[Answered by Nos. 137, 138, 139, and 140.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

1ST DECEMBER. My despatch 15th September, Dominions Treaty No. 37,‡ Proposed that ratification of Central European Frontiers Treaty by His Majesty the King should take place simultaneously with ratification of Hungarian and Bessarabian Treaties; see my telegram of 1st December.§ Should be glad to know as early as possible, by telegraph, whether your Ministers agree to ratification.—MILNER.

* Included in Stationery Office Publication "The Treaty of Peace between the Allied, etc. Powers and Austria, together with other Treaties, &c., &c." † No. 134. ‡ 42799: not printed; this enclosed certified copy of the Treaty. § No. 390.

59800

No. 137.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.10 p.m., 5th December, 1920.)

TELEGRAM.

4TH DECEMBER. Your telegram of 1st December.* Central European Frontiers Treaty. My Ministers agree to ratification by His Majesty the King.—ARTHUR FREDERICK.

59958

No. 138.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.35 p.m., 6th December, 1920.)

TELEGRAM.

6TH DECEMBER. From my Prime Minister: your telegram 1st December.* Government of Canada has no objection to simultaneous ratification of Central European Frontiers Treaty with Hungarian and Bessarabian Treaties.—DEVONSHIRE.

59955

No. 139.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.10 a.m., 7th December, 1920.)

TELEGRAM.

7TH DECEMBER. Your telegram, 1st December.* Government of New Zealand agree to ratification of Central European Frontiers Treaty.—JELlicoe.

60097

No. 140.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 8th December, 1920.)

TELEGRAM.

8TH DECEMBER. Your telegram, 1st December.* Government of Commonwealth of Australia agree to ratification of Central European Frontiers Treaty by His Majesty the King.—GOVERNOR-GENERAL.

* No. 136.

COASTING TRADE.

Inclusion in Commercial Treaties.

28328

No. 141.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

[Answered by No. 144.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a note which has been received from the Swedish Minister respecting the Agreement between Canada and Sweden respecting coasting vessels.

The Secretary of State would be glad to be advised what answer should be returned to Count Wrangel.

Foreign Office,
1st June, 1917.

Enclosure in No. 141.

SWEDISH MINISTER to FOREIGN OFFICE.

(No. 433.)

SIR,

London, 30th May, 1917.

By a note dated the 6th January, 1875,* the British Minister at Stockholm informed the Swedish Minister for Foreign Affairs that the British Government agreed to the proposal made by the Swedish Government that the coasting trade of Sweden would be thrown open to vessels belonging to the Dominion of Canada on condition that Swedish vessels were in a like manner admitted to the coasting trade of the Dominion. It has now been reported by the Swedish Consul-General at Montreal that the right to engage in Canadian coasting trade admitted to Swedish vessels in virtue of the above-mentioned agreement, which it has been customary to confirm yearly by a Government decree, has not in a similar manner been confirmed for the year 1917.

In conformity with instructions received from my Government, I beg leave to invite Your Excellency's attention to the above-mentioned fact, and also to the circumstance that my Government have not received any previous notification from His Britannic Majesty's Government to the effect that the agreement in question was to be terminated.

I have, &c.,

28328

No. 142.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 143.]

(No. 298.)

MY LORD DUKE,

Downing Street, 8th June, 1917.

WITH reference to your predecessor's despatch No. 718, of the 10th of December, 1915,† I have the honour to transmit to Your Excellency, for any observations that your Ministers may desire to make, a copy of a note‡ from the Swedish Minister relative to the admission of Swedish vessels to the Canadian coasting trade.

I have, &c.,

WALTER H. LONG.

* In enclosure 2 in No. 147 (p. 83). † 59601: not printed. This despatch forwarded Order in Council renewing for one year the Order in Council in No. 96 in Dominions No. 59. ‡ Enclosure in No. 141.

37663

No. 143.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th July, 1917.)

(No. 536.)

SIR, Government House, Ottawa, 11th July, 1917.
 WITH reference to your despatch No. 298, of the 8th June,* regarding the admission of Swedish vessels to the Canadian coasting trade, I have the honour to inform you that my Government holds that there are no treaties binding on Canada which entitle vessels of Sweden to participate in the coasting trade of Canada.

When Swedish vessels were admitted temporarily to the Canadian coasting trade in previous years the concession was granted voluntarily to meet Canadian requirements and not as a matter of treaty obligation. In this connexion I have the honour to refer you to a despatch from Lord Crewe to Lord Grey, dated the 3rd December, 1908.† In this despatch you will notice that Lord Crewe states that the Secretary of State for Foreign Affairs is of opinion that the only countries entitled to most-favoured-nation treatment in Canada in the matter of the coasting trade are Austria-Hungary and Japan. This opinion is founded on the basis that the coasting trade is not included in general stipulations regarding commerce and navigation but that it must be actually specified in a treaty, or the wording of the stipulations must be so clear and definite that the inclusion of the trade is obviously intended.

The only treaties binding on Canada which include specific stipulations as regards the coasting trade are those with Austria-Hungary and Japan.

I am, &c.,

DEVONSHIRE.

37663

No. 144.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 145.]

SIR, Downing Street, 7th August, 1917.
 WITH reference to your letter of the 1st June,‡ I am directed by Mr. Secretary Long to transmit to you, to be laid before Mr. Secretary Balfour, a copy of a despatch§ from the Governor-General of Canada respecting the admission of Swedish vessels to the Canadian coasting trade.

2. It may be observed that the view expressed in Lord Crewe's despatch of the 3rd December, 1908,† was subsequently modified in Mr. (now Viscount) Harcourt's despatch of the 7th October, 1914,|| the terms of which were agreed to in your letter of the 30th September, 1914.¶ That despatch did not, however, affect the point that the matter is not one in which Sweden possesses any treaty rights.

3. A copy of this correspondence is being sent to the Ministry of Shipping.

I am, &c.,

HENRY LAMBERT.

* No. 142. † No. 30 in Dominions No. 7. ‡ No. 141. § No. 143. || No. 167 in Dominions No. 51. ¶ No. 166 in Dominions No. 51.

40543

No. 145.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15th August, 1917.)

[Answered by No. 146.]

SIR,

Foreign Office, S.W. 1., 14th August, 1917.

I AM directed by Mr. Secretary Balfour to acknowledge the receipt of your letter of the 7th instant* respecting the admission of Swedish vessels to the Canadian coasting trade.

2. I am to point out that merely to inform the Swedish Government that Sweden possesses no treaty rights in the matter will hardly be a sufficient reply to the Swedish Minister's note of 30th May.† In that note Count Wrangel stated that in 1875 His Majesty's Minister at Stockholm had informed the Swedish Minister for Foreign Affairs that His Majesty's Government agreed to the Swedish proposal that the coasting trade of Sweden should be thrown open to Canadian vessels on condition that Swedish vessels were similarly admitted to the Canadian coasting trade. This agreement had remained in force until the present date, when it was terminated with no previous notification from His Majesty's Government.

3. Count Wrangel formulated no definite complaint, but he left it to be inferred that the Swedish Government were offended at this abrupt termination of the agreement, and it appears to Mr. Balfour that they have some ground for complaint. He would therefore suggest that the reply to the Swedish Minister should take the form of an expression of regret for the inadvertent omission to inform the Swedish Government previously that His Majesty's Government were no longer able to maintain the 1875 agreement in force.

I am, &c.,

MAURICE DE BUNSEN.

40543

No. 146.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 147.]

SIR,

Downing Street, 30th August, 1917.

I AM directed by Mr. Secretary Long to acknowledge the receipt of your letter of the 14th August‡ respecting the admission of Swedish vessels to the Canadian coasting trade.

2. The agreement of 1875 is not familiar to this Department, and, should the diplomatic correspondence in which it is embodied be conveniently accessible at the Foreign Office, Mr. Long would be obliged if he could be furnished with copies. If, however, as appears from your letter to be the case, the agreement provides merely for the opening of the Swedish coasting trade to British vessels registered in Canada on condition of reciprocity by the Canadian Government, it would not seem that the action of the Canadian Government amounts to a termination of the agreement, since the agreement would again become operative as soon as the Canadian Government is again ready to reciprocate.

3. As regards the omission of the Canadian Government to notify the Swedish Government that it was not intended to admit Swedish vessels to the Canadian coasting trade during 1917, it would appear, in view of the naval situation in the Baltic, to have been natural for the Canadian Government to treat the agreement as not applicable to existing circumstances. In this connexion Mr. Long's attention has been drawn to the correspondence with the Swedish Government, published in [Cd. 8478], respecting the mining of the Kogrund Passage by the Swedish Government, which made it impossible for Allied vessels to enter or leave the Baltic.

* No. 144.

† Enclosure in No. 141.

‡ No. 145.

4. Incidentally, it is observed that in the course of this correspondence objection was taken to the action of the Swedish Government on the ground that it interfered with the rights conferred on British vessels by the Anglo-Swedish Treaty of 1826, and that the terms in which the objection was expressed might be held to imply that these rights extended to the coasting trade. Such a view would involve the possession by Swedish vessels of most-favoured-nation rights under the treaty of 1826 to the coasting trade of Canada. It was, however, laid down in the memorandum enclosed in your letter of the 23rd July, 1914* (which was the basis of the advice tendered to the Canadian Government as to the treaty position in regard to the Canadian coasting trade), that there was nothing in the treaty of 1826 covering the coasting trade, an opinion which appears to be supported by the agreement of 1875, as that agreement would hardly have been necessary to secure the admission of British ships registered in Canada to the Swedish coasting trade if, under the Anglo-Swedish Treaty of 1826, all British vessels were entitled to participate in the Swedish coasting trade in virtue of the Swedish-Italian Treaty of 1862.

I am, &c.,

HENRY LAMBERT.

62985

No. 147.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th December, 1917.)

SIR, Foreign Office, S.W.1, 24th December, 1917.
On receipt of your letter of 30th August last,† Mr. Secretary Balfour addressed to the Swedish Minister in London a note respecting the admission of Swedish vessels to the Canadian coasting trade. At the same time, he instructed His Majesty's Minister at Stockholm to forward to the Foreign Office copies of the correspondence which took place between His Majesty's Government and the Swedish Government in 1874-5 on the same subject. This correspondence has now been received, and I am to transmit to you copies of the same together with the above-mentioned note to the Swedish Minister.

2. I am further to transmit to you a copy of a letter which has been addressed to the Board of Trade in regard to the inconsistency between the argument advanced by His Majesty's Government in communicating with the Swedish Government in regard to the Kogrund Passage and the view held by the Foreign Office and Colonial Office that Sweden is not entitled under the most-favoured-nation clause of the Anglo-Swedish Treaty of 1826 to claim admission to the coasting trade.

3. Mr. Balfour will not fail to transmit to Mr. Secretary Long a copy of the observations of the Board of Trade on this point.

I am, &c.,

VICTOR WELLESLEY.

Enclosure 1 in No. 147.

(No. 169965/C/142.)

SIR, Foreign Office, S.W.1, 18th September, 1917.
On 30th May last you were good enough to address to me your note No. 483, calling attention to the fact that the Swedish Government had not received any previous notification from His Majesty's Government to the effect that the Canadian Government were no longer able to continue the agreement for the reciprocal admission of Swedish and Canadian vessels to the coasting trade.

2. I have the honour to express the regret of His Majesty's Government that, through inadvertence, no notification was made to your Government that the Canadian Government had not seen their way to renew the agreement this year as usual.

I have, &c.,

(For the Secretary of State).

VICTOR WELLESLEY.

The Count Wrangel,
&c., &c.

&c.

* No. 162 in Dominions No. 51.

† No. 146.

Enclosure 2 in No. 147.

(Commercial.)

(No. 1677.)

SIR,

Foreign Office, 31st October, 1917.

With reference to your despatch No. 1911, Commercial, of the 9th October, I have the honour to transmit, herewith, copy of the note addressed by Her Majesty's Minister in Stockholm to the Swedish Government on the 6th January, 1875, together with copies of other relevant correspondence—as marked in the margin—relative to the admission of Swedish vessels to the Canadian coasting trade.

I have, &c.,

ESME HOWARD.

The Right Honourable

A. J. Balfour, O.M., M.P.,

&c.,

&c.,

&c.

(Commercial.)

(No. 5.)

SIR,

Foreign Office, 10th August, 1874.

With reference to your despatch No. 18, Commercial, of the 29th April last, I transmit to you, herewith, a copy of a despatch which has been addressed to the Earl of Carnarvon by the Governor-General of Canada, together with a minute of the Dominion Privy Council, stating that as soon as it has been ascertained that the coasting trade of Sweden and Norway has been opened to Canadian vessels, the necessary Proclamation will be made, opening the Canadian coasting trade to the vessels of Sweden and Norway, and I have to request that you will make an announcement to the above effect to the Swedish Government.

I am, &c.,

DERBY.

(No. 186.)

MY LORD,

Government House, Ottawa, 12th July, 1874.

With reference to Your Lordship's despatch No. 66, of the 6th May, I have the honour to enclose a copy of a report of Council stating that, as soon as it has been ascertained that the coasting trade of Sweden and Norway has been opened to vessels of the Dominion of Canada, the necessary proclamation will be made, extending the privileges of the coasting trade of Canada to Swedish and Norwegian vessels.

I shall be much obliged if Your Lordship will forward the report of Council to the Secretary of State for Foreign Affairs, to be communicated to the Swedish Government.

I have, &c.,

DUFFERIN.

The Earl of Carnarvon.

REPORT OF A COMMITTEE OF THE HONOURABLE THE PRIVY COUNCIL APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 17TH JUNE, 1874.

THE COMMITTEE have had under consideration a despatch from the Earl of Carnarvon, No. 66, of the 6th ultimo, transmitting copy of a despatch from the British Minister at Stockholm received through the Foreign Office, and stating the terms upon which the Government of Sweden and Norway are prepared to admit Canadian vessels to the coasting trade of those countries.

THE HONOURABLE THE MINISTER OF MARINE AND FISHERIES, to whom said despatch with its enclosure has been referred, recommends that the Government of Sweden and Norway be informed, through the usual channel that, as soon as it has been ascertained that the coasting trade of Sweden and Norway has been opened to vessels of the Dominion of Canada, the necessary proclamation will be made extending the privileges of the coasting trade of Canada to Swedish and Norwegian vessels.

THE COMMITTEE concur in the above recommendation, and submit the same for Your Excellency's approval.

Certified.

W. A. HEMSWORTH,
Clerk, Privy Council.

SIR, Stockholm, 20th August, 1874.
 With reference to Your Excellency's note of the 27th April last, I have been directed by Her Majesty's Principal Secretary of State for Foreign Affairs to state to Your Excellency that the Governor-General of the Dominion of Canada has formally intimated to Her Majesty's Government that, as soon as it has been ascertained that the coasting trade of Sweden and Norway has been opened to vessels of the Dominion of Canada, the necessary proclamation will be made, extending the privileges of the coasting trade of Canada to Swedish and Norwegian vessels.

I avail myself, &c.,
 E. M. ERSKINE.

His Excellency
 General Oscar Björnstjerna.

MONSIEUR, Stockholm, le 3 Octobre, 1874.
 PAR un office en date du 20 Août où vous m'avez informé que le Gouvernement de Canada est disposé à accorder le droit de cabotage aux suédois et norvégiens aussitôt que les navires canadiens auront été admis au droit de cabotage dans des Royaume Unis.

Le Gouvernement du Roi qui n'a attendu que cette notification pour accorder, de son côté, ce même avantage aux navires canadiens vient de déclarer, par un arrêt en date d'hier les navires canadiens autorisés à faire le cabotage en Suède à partir du 15 courant, toutefois sous condition que les navires suédois soient par réciprocité admis à faire le cabotage entre les ports canadiens.

En ce qui concerne la Norvège, le cabotage est ouverte pour les navires de toutes les nations, en sorte qu'aucun arrêt n'a été rendu nécessaire.

Je vous prie en conséquence de vouloir bien informer votre Gouvernement que les navires canadiens seront admis au cabotage en Suède à partir du 15 courant, et que cet avantage leur est déjà accordé en Norvège.

En vous priant également de me faire connaître en son temps la date à partir de laquelle le cabotage entre les ports canadiens sera ouvert aux navires suédois et norvégiens, je saisis occasion, etc.

O. BJÖRNSTJERNA.

(No. 33.)
 (Commercial.)

MY LORD, Stockholm, 4th October, 1874.
 With reference to Your Lordship's despatch, Commercial, No. 5, of the 10th August last, I have the honour to transmit, herewith, copy of a note from General Björnstjerna, stating that by an Ordinance dated the 2nd, the coasting trade of Sweden will, on the 15th instant, be opened to the vessels of the Dominion of Canada, and that the coasting trade of Norway is open already to the vessels of all nations.

General Björnstjerna likewise requests me to acquaint him with the date at which the coasting trade of the Dominion will be open to the shipping of Sweden and Norway, and His Excellency has stated verbally that he trusts the Government of the Dominion will be urged by telegraph to make the necessary Proclamation on or before the 15th instant.

I have, &c.,
 E. M. ERSKINE.

(Commercial.)
 (No. 10.)

SIR, Foreign Office, 29th December, 1874.
 With reference to your despatch No. 33, Commercial, of the 4th October, I transmit to you, herewith, for communication to the Government of Sweden and Norway, copies of the *Canada Gazette*, containing an order of the Governor-General in Council, dated the 5th November, admitting to the coasting trade of the Dominion Swedish and Norwegian vessels on the same terms and conditions as are applicable to Canadian vessels.

I am, &c.,
 (For the Earl of Derby),
 ROBERT BOURKE.

SIR, Stockholm, 6th January, 1875.
 In the month of October last Your Excellency did me the honour to intimate that from the 15th of that month the coasting trade of Sweden would be thrown open to vessels belonging to the Dominion of Canada, on condition that Swedish vessels were in like manner admitted to the coasting trade of the Dominion, and Your Excellency was pleased to add that the coasting trade of Norway was already open to the Flags of all nations on the same footing as the National Flag.

A copy of Your Excellency's aforesaid note having been communicated to Her Majesty's Principal Secretary of State for Foreign Affairs, I am now authorized to state to Your Excellency that from and after the 5th of last November the ships and vessels of Sweden and Norway were admitted to the coasting trade of the Dominion of Canada on the same terms and conditions as Canadian vessels; and I am directed to transmit to Your Excellency the enclosed copies of the *Canada Gazette*, containing an order of the Governor-General in Council to that effect.

I avail myself, &c.,
 His Excellency
 General Oscar Björnstjerna.
 E. M. ERSKINE.

Enclosure 3 in No. 147.

(218768/C/142.)

SIR, Foreign Office, S.W.1, 24th December, 1917.
 I AM directed by Mr. Secretary Balfour to inform you that his attention has been called by the Secretary of State for the Colonies to a contention which was advanced in a recent note to the Swedish Government. The note dealt with the Kogrund Passage question (see Parly. Paper, Miscellaneous, No. 8 (1917), p. 2), and the argument was used that as the Treaty of 1862 between Italy and Sweden entitled the former country to participate in the Swedish coasting trade, Great Britain was entitled to similar rights as the result of Article IX of the Treaty of 1826 between Sweden and Great Britain.

2. The correct interpretation of Article IX of the Treaty of 1826 is a matter of some difficulty, but further reflection has made Mr. Balfour feel that the argument used to the Swedish Government in August, 1916, was not well founded, and that the Article in question does not cover the coasting trade, but must be construed in a narrower sense.

3. At the time when instructions were issued for the above note to be sent to the Swedish Minister for Foreign Affairs, Mr. Balfour's attention was not called to the correspondence which took place in 1874 at Stockholm, relative to the admission of Swedish vessels to the Canadian coasting trade. Copies of the correspondence referred to are enclosed. By the arrangements which were then come to the Swedish coasting trade was opened to Canadian vessels by a decree of 2nd October, 1874, and the Canadian coasting trade was opened to Swedish vessels by an Order of the Governor-General in Council of 5th November of the same year. The arrangement was entered into on a reciprocal basis, and has been maintained as such until recent times. Both the manner in which the arrangement was arrived at and the terms in which it was expressed are inconsistent with a claim as of right on the part of British vessels to take part in the Swedish coasting trade by the combined effect of Article III of the 1862 Treaty between Italy and Sweden, and Article IX of the 1826 Treaty between Great Britain and Sweden.

4. The question has been raised from time to time as to what vessels were entitled to take part in the Canadian coasting trade, and, in 1914, after consulting the Board of Trade and this Department, the Secretary of State for the Colonies informed the Dominion Government that only Japan, Liberia, and Muscat were entitled by Treaty to take part in this trade in Canada; an opinion which was inconsistent with Sweden's being entitled under the most-favoured-nation clause of the Treaty of 1826 to claim the privileges of the coasting trade then enjoyed by the above Powers.

5. Mr. Balfour attaches such importance to there being no divergence of view between the Board of Trade and this Department on the interpretation of any provisions in the Commercial Treaties that he feels bound to bring the matter to the attention of the Board, as he is aware that an opposite opinion as to the effect of Article IX of the 1826 Treaty with Sweden has at times been expressed.

6. Mr. Balfour would be glad to learn that the Board of Trade concur in the above views as to the interpretation of the Article in question.

I am, &c.,
 The Secretary to the Board of Trade.

36275

No. 148.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th July, 1918.)

[Answered by No. 149.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a letter from the Board of Trade respecting Swedish vessels and the Canadian coasting trade.

Foreign Office,
25th July, 1918.

Reference to previous correspondence: Letter from Foreign Office, 24th December.*

Enclosure in No. 148.

(C. 18619/1917.)

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, S.W.1, 29th June, 1918.

I AM directed by the Board of Trade to advert to your letter of 24th December last respecting the bearing of the Anglo-Swedish Treaty of 1826 on the right of British vessels to share in the coasting trade of Sweden.

The Board take the view that it is in the general interest of this country that provisions in Treaties which secure privileges in respect of navigation should be interpreted in the widest possible sense. The mercantile marine of this country is so much greater than that of any other that the rights secured in a foreign country for British shipping are likely to prove of greater value to this country than the reciprocal advantages secured by such foreign country in exchange. In regard to coasting trade in particular the relatively insignificant amount of foreign shipping which engages in the coasting trade of this country involves but small competition with British shipping, whilst the exclusion of the latter from the coasting trade of foreign countries might, especially if other foreign flags were not so excluded, involve substantial sacrifices.

It is true that, in recent years, His Majesty's Government have hesitated to conclude Treaties which secure *national* rights to foreign vessels in the United Kingdom coasting trade, but they have always endeavoured to secure, as they have been willing to grant, full most-favoured-nation treatment in this respect.

In these circumstances the Board consider it desirable as a matter of policy that Article IX of the Anglo-Swedish Treaty should be regarded as entitling United Kingdom vessels to the enjoyment of full most-favoured-nation rights in Sweden and at the same time as guaranteeing to Sweden full most-favoured-nation rights to the coasting trade of the United Kingdom. Such rights, moreover, appear to them to be naturally included in the general expression "all matters and regulations of trade and navigation."

In a country such as Sweden, which has opened her coasting trade only on a footing of reciprocity, it may well be contended that United Kingdom vessels are only entitled to participate so long as reciprocal treatment is granted in the United Kingdom to Swedish vessels. In fact it appears that between the date of the Treaty and 1854, when the United Kingdom coasting trade was thrown open to vessels of all nations, British vessels did not enjoy and did not claim such privileges in Sweden. Since 1854, however, they have continued to enjoy it.

As regards Canada, to which reference is made in your letter, I am to point out that the Treaty of 1826 contains special clauses relating to the rights to be accorded to Sweden in British Possessions, viz., Articles VI, VII, and VIII, and the Additional Article, and that it is therefore a fair inference that the Articles of the Treaty in which British Possessions are not mentioned cannot be regarded as granting rights to Sweden in these Possessions. Article VI of the Treaty, in fact, by its grant of rights to Swedish vessels to proceed *direct* from any ports of

* No. 147.

the Dominions of His Majesty the King of Sweden and Norway to any Colony of the United Kingdom, was apparently framed expressly so as to preclude coasting operations by Swedish vessels in Canada and other Dominions.

It appears, therefore, to the Board that the view taken in 1914 that Sweden was not entitled by Treaty to a share in the Canadian coasting trade was correct, but that this view is in no way inconsistent with the contention, which appears, as already stated, to be desirable as a matter of policy, that Article IX of the Treaty gives Sweden most-favoured-nation rights in the United Kingdom coasting trade and, conversely, gives United Kingdom ships rights in the coasting trade of Sweden.

I have, &c.,

H. FOUNTAIN.

The Under Secretary of State for Foreign Affairs.

36275

No. 149.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 15th August, 1918.

I AM directed by Mr. Secretary Long to acknowledge the receipt of your letter of the 25th ultimo,* enclosing copy of the reply returned by the Board of Trade to your letter of the 24th December last,† relative to the right of British vessels to engage in the Swedish coasting trade under the Anglo-Swedish Treaty of the 18th March, 1826.

2. The arrangement made between Canada and Sweden in 1874 leaves no room for doubt that under the Treaty Swedish vessels have no right to engage in the coasting trade of His Majesty's Oversea Dominions, and that British vessels registered in His Majesty's Oversea Dominions have no right to engage in the coasting trade of Sweden. It is observed, however, that the Board of Trade hold that Swedish vessels are entitled to engage in the coasting trade of the United Kingdom under the most-favoured-nation provisions respecting navigation contained in Article IX of the Treaty, and that British vessels registered in the United Kingdom are similarly entitled to engage in the coasting trade of Sweden.

3. This view appears to be based on the view that, on the British side, Article IX of the Treaty applies only to the United Kingdom and to British ships registered in the United Kingdom. The view that Article IX does not apply to the British Dominions is inconsistent with the statement that the Article is so applicable on pages 58-59 of [Cd. 3395] (Return of most-favoured-nation treatment clauses in existing Treaties of Commerce and Navigation in force on 1st January, 1907), and with the fact that in the statement in respect of the Colonial coasting trade laid before the Colonial Conference of 1907 (page 493 of C. 3524) the Treaty was included on the basis that though nothing was said in the Treaty as to the coasting trade, the reciprocal part of the most-favoured treatment in respect of navigation extended to the Colonies. The memorandum to which that statement was appended made it clear that in the view of His Majesty's Government (page 473 of [Cd. 3524]) Sweden was not entitled to participate in the Colonial coasting trade.

4. As regards the right of Swedish vessels to participate in the coasting trade of the United Kingdom, the same memorandum (page 473 of [Cd. 3524]) stated that Sweden had at present no Treaty claim to participate in the coasting trade of the United Kingdom.

5. It seems, in any case, difficult to suppose how Article IX of the Treaty could have conferred rights on British vessels registered in the United Kingdom to the exclusion of other British vessels, having regard to the fact that this distinction is not drawn in any other Article of the Treaty, though it does appear in the Declaration (No. 2) of the 24th April, 1824.

6. The view that Article VI of the Treaty was expressly drawn so as to exclude Swedish vessels from the Colonial coasting trade is not understood, but if correct it would seem to require that the phrase "directly imported," in Article III, excludes Swedish vessels from the coasting trade of the United Kingdom.

7. A copy of this letter has been sent to the Board of Trade.

I am, &c.,

HENRY LAMBERT.

* No. 148.

† Enclosure 3 in No. 147.

CZECHO-SLOVAKIA.

(1) Proposed Commercial Treaty.

42017

No. 150.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 653.)

[MY LORD DUKE,] [MY LORD,] [SIR.] Downing Street, 10th August, 1919.
I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before
your Ministers, a copy of a despatch from the British Delegation at Paris, enclosing
the draft of a Commercial Treaty* between Great Britain and Czecho-Slovakia.

I have, &c.,
MILNER.

Enclosure in No. 150.

(No. 1258.)

My LORD, British Delegation, Paris, 10th July, 1919.
THE opportunity has been taken of the presence in Paris of the Permanent
Secretary of the Board of Trade in connexion with the Peace Congress to discuss
informally with representatives of the Government of Czecho-Slovakia the conclu-
sion of a Treaty with a view to safeguarding British commercial interests in that
country.

2. A copy of the proposed Treaty is enclosed, and Your Lordship will observe
that it is based on the principle of the accord of mutual most-favoured-nation
treatment, subject only to the right of Czecho-Slovakia to conclude special Customs
arrangements with Austria and Hungary, a right which is expressly implied in
the economic clauses of the draft Treaty submitted to the Austrian Delegation at
St. Germain, and in the draft which it is proposed to submit in due course to
the representatives of Hungary when negotiations with that State are begun.

3. The Treaty is so framed that it can be denounced at a year's notice at
any time, and contains the usual clause with regard to the possible adherence of
the Dominions, Colonies, etc.

4. A copy of the enclosed draft has been given to Monsieur Benes, Minister
for Foreign Affairs for Czecho-Slovakia, now in Paris, who desired to consult the
Czecho-Slovak Government, and particularly the Minister of Commerce, but per-
sonally he anticipated no difficulties arising.

5. On hearing further from Monsieur Benes that the terms of the Treaty
are acceptable, it will be necessary for the text to be put into the proper form
at the Foreign Office, in London, and arrangements made for it to be signed either
in London or at Prague in the usual manner.

6. I have the honour to request that copies of the proposed Treaty may be
supplied to the Board of Trade, Colonial and India Offices.

I am, &c.,
(for Mr. Balfour),
EYRE A. CROWE.

The Right Honourable
The Earl Curzon of Kedleston, K.G., P.C.,
etc., etc., etc.

* Not printed.

(2) Treaty of 1919.
(Treaty Series, 1919, No. 20.)

58338

No. 151.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 785.)

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 17th October, 1919.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the infor-
mation of your Ministers, [two copies] [one copy] in French, English and Italian,
of the Treaty* between the principal Allied and Associated Powers and Czecho-
Slovakia, signed at St. Germain on 10th September, 1910.

I have, &c.,
MILNER.

66523

No. 152.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 10.40 a.m., 27th November, 1919.)

TELEGRAM.

[Answered by Nos. 153, 154, 155, and 156.]

(Extract.)

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

27TH NOVEMBER. In view of present precarious situation in Central and
South Eastern Europe His Majesty's Government are anxious that Treaty with
Austria and other connected Treaties should be ratified as soon as possible, and as
soon as legislation in regard to Austrian Treaty on lines of that in regard to German
Treaty has been passed by Parliament here, they would be glad to be in a position
to advise His Majesty the King to ratify Czecho-Slovak Treaty contained in my
despatch of 17th October, Dominions No. 785.†

His Majesty's Government would be glad to know as soon as possible whether
your Ministers concur in proposed ratification. Please telegraph reply.—MILNER.

68323B

No. 153.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.45 a.m., 30th November, 1919.)

TELEGRAM.

29TH NOVEMBER. My Ministers concur in proposed ratification of Czecho-
Slovak Treaty. Necessary Order in Council will be approved this day or Monday.
—DEVONSHIRE.

* Published as Treaty Series, 1919, No. 20. † No. 151.

70373B

No. 154.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.0 a.m., 11th December, 1919.)

TELEGRAM.

10TH DECEMBER. Your telegram 27th November;* Ministers concur in proposed ratification of Czecho-Slovak Treaty.—BUXTON.

71010B

No. 155.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.11 a.m., 13th December, 1919.)

TELEGRAM.

13TH DECEMBER. With reference to your telegram 27th November;* my Government concurs in ratification by His Majesty the King of the Treaty with Austria and other connected Treaties —LIVERPOOL.

1644B

No. 156.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9 a.m., 9th January, 1920.)

TELEGRAM.

9TH JANUARY. Your telegram 27th November;* Government of Commonwealth of Australia concurs in proposed ratification of Czecho-Slovak Treaty.—GOVERNOR-GENERAL, AUSTRALIA.

Note.—The Czecho-Slovak Treaty was ratified by Czecho-Slovakia on 16th July, 1920, by the British Empire on 17th August, by Japan on 13th October, and by Italy on 15th December. The Dominions were informed at the time.

DANZIG.

54197

No. 157.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.20 p.m., 5th November, 1920.)

TELEGRAM.

[Answered by Nos. 158, 160, 161, and 162.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

5TH NOVEMBER. Treaty between Poland and Danzig contemplated in Article 104, Treaty of Peace with Germany,† now nearly ready for signature.

* No. 152.

† Treaty Series, 1919, No. 4.

Draft being sent by mail. Principal Allied and Associated Powers will not be signatories of this Treaty, but it will be necessary for them to sign, at same time, formal Act under Article 102, constituting Free City of Danzig territory of which was, under Article 100, renounced by Germany in their favour. Signature on behalf of Dominions to this Act will be required, but will be possible within one month of date of original signature. Please telegraph whether your Ministers agree to signature on their behalf.—MILNER.

55421

No. 158.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.15 a.m., 10th November, 1920.)

TELEGRAM.

10TH NOVEMBER. Your telegram 5th November.* Government of New Zealand agree that His Majesty's Ambassador at Paris should sign on behalf of New Zealand the Act under Article No. 102 referred to.—JELlicoe.

54197

No. 159.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada)	} Dominions, Treaty No. 46, Confidential.)
(Commonwealth of Australia)	
(New Zealand)	
(Union of South Africa)	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 10th November, 1920.

With reference to my telegram of the 5th November,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch† from His Majesty's Ambassador at Paris enclosing the draft of the Polish-Danzig Treaty as agreed by the committee appointed to consider the question.

I have, &c.,

MILNER.

55620

No. 160.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.35 a.m., 12th November, 1920.)

TELEGRAM.

10TH NOVEMBER. Your telegram of November 5th;* Danzig. Ministers state that they have no objection to signing of formal Act, and would be glad if His Majesty's Ambassador at Paris could be instructed to sign on behalf of Union of South Africa.—INNES.

55934

No. 161.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.0 a.m., 13th November, 1920.)

TELEGRAM.

13TH NOVEMBER. Your telegram 5th November.* Commonwealth agrees to signature Act relating to treaty between Poland and Danzig.—GOVERNOR-GENERAL.

* No. 157.

† Enclosure in 54197: not printed.

56109

No. 162.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.12 p.m., 13th November, 1920.)

TELEGRAM.

13TH NOVEMBER. Your telegram 5th November.* Sir George Perley returns to London shortly, and will sign on behalf of Canada.—DEVONSHIRE.

57183

No. 163.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.5 p.m., 26th November, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

26TH NOVEMBER. Referring to my telegram of 5th November,* Danzig. Ultimately decided that as cession of territory was already provided for in Treaty of Peace with Germany, Declaration signed by members of Ambassadors' Conference at Paris as representatives of Principal Allied Powers, and accepted by representatives of Danzig, would be sufficient and that signature on behalf of Dominions would not be necessary. Declaration now signed and took effect 15th November.—MILNER.

ENEMY DEBTS.

Agreements with Allied and Associated Powers under Article 296 (f) of Treaty of Peace with Germany.

59395

No. 164.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Sent 5.20 p.m., 7th December, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Newfoundland.)

7TH DECEMBER. Following is text of proposed agreement with Government of Belgium under Article 296 (f) Treaty of Peace with Germany. *Begins*: Article I. Provisions of section III, part X, Treaty of Versailles, 28th June, 1919, shall apply, subject to provisions of present Convention, to Belgian nationals resident within United Kingdom, British Colonies not possessing responsible Government, and British Protectorates (with the exception of Egypt) in same way, and under same conditions as to British nationals residing within these territories. [*Remaining Articles not printed here.*] *Ends*.—MILNER.

* No. 157.

91

59395

No. 165.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Sent 5.35 p.m., 7th December, 1920.)

TELEGRAM.

[Answered by Nos. 166 and 167.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Newfoundland.)

7TH DECEMBER. My telegram of to-day,* agreement with Belgium as to enemy debts. Question arises of application of agreement to Dominions which have adopted clearing house scheme. Do your Ministers wish [Canada] [Australia] [New Zealand] [Newfoundland] to be included in Article 1?

[*Not to Newfoundland*: If so, desirable that representative should be nominated to sign on their behalf.]

Please telegraph reply as soon as possible, as wished to complete agreement without delay. Similar agreements being negotiated with Government of France and Government of Italy, and should be glad to learn whether your Ministers would desire arrangements made with those countries to apply to [Canada] [Australia] [New Zealand] [Newfoundland].—MILNER.

63740

No. 166.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.40 p.m., 31st December, 1920.)

TELEGRAM.

31ST DECEMBER. Your telegram 7th December,† agreement with Belgium as to enemy debts. Commonwealth does not wish to be included in Article 1.—GOVERNOR-GENERAL.

87

No. 167.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.35 p.m., 31st December, 1920.)

TELEGRAM.

31ST DECEMBER. Your telegram 7th December,† enemy debts. My Ministers can see no necessity for inclusion of Newfoundland in Article 1.—HARRIS.

* No. 164.

† No. 165.

ESTHONIA.

Agreement respecting Commercial Relations.

(Treaty Series, 1920, No. 19.)

36569

No. 168.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 169 and 170.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 310.)

[My Lord,] [Sir,]

Downing Street, 31st July, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of notes exchanged between the Secretary of State for Foreign Affairs and the Estonian representative in London relating to the conclusion of a commercial agreement between Great Britain and Estonia.

I have, &c.,

MILNER.

Enclosure in No. 168.

[Foreign Office,] [Estonian Legation, 167, Queen's Gate,]

[Sir,] [My Lord,]

London, S.W.1, 20th July, 1920.

1. It being the desire of our respective Governments to establish close commercial relations between the United Kingdom and Estonia, I have the honour to inform you that, on condition of reciprocity, [Estonian] [British] nationals and goods, the produce or manufacture of the territories of [Estonia] [His Britannic Majesty] will enjoy unconditionally in [the territories of His Britannic Majesty] [Estonia] treatment at least as favourable in all respects as that accorded to the nationals and goods the produce or manufacture of the most favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation, as regards importation, exportation, and transit, and, in general, in all that concerns customs duties and formalities and commercial operations; the establishment of [Estonian] [British] subjects in [the territories of His Britannic Majesty,] [Estonia,] the exercise of commerce, industries and professions, and the payment of taxes.

2. [Estonian] [British] vessels will enjoy in the ports, rivers, and territorial waters of [the territories of His Britannic Majesty] [Estonia] treatment not less favourable than that accorded to [British] [Estonian] vessels or to vessels of the most favoured foreign country; subject however to the right of the [British] [Estonian] Government to reserve the coasting trade to [British] [Estonian] vessels.

3.* Estonia further undertakes on condition of reciprocity to accord freedom of transit to persons, goods, vessels, aircraft, carriages, wagons and mails in transit to or from the United Kingdom over Estonian territory, including territorial waters, and to treat them at least as favourably as Estonian persons, goods, vessels, aircraft, carriages, wagons and mails respectively or those of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions and all other matters.

4. The foregoing stipulations will not be applicable to India or to any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the seas, unless notice of accession to this arrangement shall have been given on behalf of India or any such Dominion, Colony, Possession, or Protectorate by His Britannic Majesty's representative at Reval before the expiration of twelve months

* This paragraph was amended: see No. 171.

from this date. Nevertheless, goods, the produce or manufacture of India, or of any of His Britannic Majesty's Dominions, Colonies, Possessions, and Protectorates will enjoy in Estonia complete and unconditional most favoured nation treatment so long as India or such Dominion, Colony, Possession, or Protectorate accords to goods, the produce or manufacture of Estonia treatment as favourable as that accorded to the produce of the soil or industry of any other foreign country.

5. The above arrangement will have effect as from the date of this note, and will remain in force unless and until either of our respective Governments has given notice to the other of its intention to terminate it. In that case it will remain in force until the expiration of six months from the date of such notice.

As regards India and the British Dominions, Colonies, Possessions, and Protectorates which may have acceded to this arrangement in virtue of the provisions of paragraph 4, either of our respective Governments shall have the right to terminate it separately on giving six months' notice to that effect.

I have, &c.,

[CURZON OF KEDLESTON.]

[Professor Piip.]

[ANT. PIIP.]

[To the Right Honourable

Earl Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,

Secretary of State for Foreign Affairs,

Foreign Office, S.W.1.]

51449

No. 169.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th October, 1920.)

(No. 673.)

My Lord,

Governor-General's Office, Pretoria, 24th September, 1920.

I HAVE the honour to transmit to you herewith, with reference to Your Lordship's despatch Dominions No. 310, of the 31st July, 1920,* copy of a minute from Ministers, dated 23rd September, 1920, on the subject of the conclusion of a Commercial Agreement between Great Britain and Estonia.

I have, &c.,

J. ROSE INNES,

Acting Governor-General.

Enclosure in No. 169.

(Minute No. 1024.)

Prime Minister's Office, 23rd September, 1920.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's minute No. 62/1681 of the 26th ultimo, relative to the conclusion of a Commercial Agreement between Great Britain and Estonia, and to inform His Excellency the Officer Administering the Government that the trade of the Union of South Africa with Estonia is negligible, and it is not recommended that the Union should notify its adherence to the Agreement.

J. C. SMUTS.

* No. 168.

57712

No. 170.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th November, 1920.)

(No. 369.)

MY LORD, Governor-General's Office, Melbourne, 18th October, 1920.
 REFERRING to your despatch Dominions No. 310, dated the 31st July, 1920,* relative to the conclusion of a Commercial Agreement between Great Britain and Esthonia, I have the honour to inform Your Lordship that I am advised by my Prime Minister that the Commonwealth Government has given the matter careful consideration, but does not desire notice of accession to the agreement to be given on its behalf.

I have, &c.,
 FORSTER,
 Governor-General.

60916

No. 171.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.	} Dominions No. 512.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 21st December, 1920.
 WITH reference to my despatch Dominions No. 310, of the 31st of July,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you] amended copies of the notes exchanged between the Secretary of State for Foreign Affairs and the Esthonian representative in London, relating to the conclusion of a commercial agreement between Great Britain and Esthonia.
 2. I have to request that these copies may be substituted for those already sent.

I have, &c.,
 MILNER.

Enclosure in No. 171.

[With the exception of paragraph 3, which is here printed as amended, the notes were in identic terms with those printed as Enclosure in No. 168.]

3. [His Majesty's Government] [Esthonia] further undertake[s,] on condition of reciprocity, to accord freedom of transit to persons, goods, vessels, aircraft, carriages, wagons, and mails in transit to or from [Esthonia over the territories of His Britannic Majesty,] [the United Kingdom over Esthonian territory,] including territorial waters, and to treat them at least as favourably as [British] [Esthonian] persons, goods, vessels, aircraft, carriages, wagons, and mails, respectively, or those of any other more favoured nationality, origin, importation, or ownership, as regards facilities, charges, restrictions, and all other matters.

* No. 168.

FINLAND.

(1). Extradition Treaty.

45616

No. 172.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 173.]

(Canada.	} Dominions No. 397. Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 13th September, 1920.
 I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a note addressed by the Secretary of State for Foreign Affairs to the Finnish Minister on the 2nd of September, submitting the draft of an Extradition Treaty with Finland.*
 2. I request that you will call the attention of your Ministers to the provisions in Article 17 of the draft Treaty relating to the self-governing Dominions.

I have, &c.,
 MILNER.

Enclosure in No. 172.

DRAFT TREATY BETWEEN THE UNITED KINGDOM AND FINLAND FOR THE MUTUAL
SURRENDER OF FUGITIVE CRIMINALS.

ARTICLE XVII.

The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all His Britannic Majesty's dominions beyond the Seas, except to the self-governing Dominions hereinafter named—that is to say, the Dominion of Canada, the Commonwealth of Australia (including for this purpose Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa, and Newfoundland—and India, provided always that the said stipulations shall be applicable to any of the above-named self-governing Dominions or India in respect of which notice to that effect shall have been given on behalf of the Government of such self-governing Dominions or India by His Britannic Majesty's Representative at Helsingfors, and provided also that it shall be competent for either of the Contracting Parties to terminate separately the application of this Treaty to any of the above-named self-governing Dominions or India by a notice to that effect not exceeding one year and not less than six months.

62339

No. 173.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st December, 1920.)

(Confidential.)

MY LORD, Governor-General's Office, Pretoria, 30th November, 1920.
 I HAVE the honour to transmit to your Lordship herewith, with reference to your despatch Dominions No. 397, Confidential, of the 13th September, 1920,† copy

* Only Article 17 of the draft Treaty is printed here.

† No. 172.

of a Minute from Ministers dated 26th November, 1920, on the subject of the Extradition Treaty with Finland, and the question of the application of Extradition Treaties in future to the Territories administered by the self-governing Dominions under Mandates in pursuance of the provisions of the Treaty of Versailles, 1919.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 173.

MINUTE No. 1240.

Prime Minister's Office, 26th November, 1920.

MINISTERS have the honour to acknowledge the receipt of the Minute from His Excellency the Acting Governor-General (Confidential) No. 55/463, of the 8th instant, and presume that they will be informed in due course when the draft Extradition Treaty with Finland is completed so as to enable a request to be presented that the Government of the Union of South Africa wish to take advantage of Section XVII of that Treaty.

Ministers beg to take this opportunity to point out that difficulties seem likely to arise in connexion with extradition from and to South-West Africa, and that it appears to be a matter for the consideration of His Majesty's Imperial Government whether Extradition Treaties in future should not contain some provision under which they could be made applicable to Territories administered by self-governing Dominions under Mandates in pursuance of the provisions of the Treaty of Versailles, 1919.

J. C. SMUTS.

(2). Position in relation to Anglo-Russian Treaties.

62072

No. 174.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 521.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 29th December, 1920.

I HAVE the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a despatch from the Secretary of State for Foreign Affairs to His Majesty's Minister at Helsingfors, on the position of Finland in relation to Anglo-Russian Treaties.

I have, &c.,

MILNER.

(No. 328.)

Enclosure in No. 174.

SIR,

Foreign Office, S.W.1, 20th December, 1920.

IN your despatch No. 165, of 1st June last, you inquire whether former treaties with Russia can be held to be in force between His Majesty's Government and the Finnish Government.

2. I am advised that in the case of a new State being formed out of part of an old State, there is no succession by the new State to the treaties of the old one, though the obligations of the old State in relation to such matters as navigation of rivers, which are in the nature of servitudes, would normally pass to the new State. Consequently there are no treaties in existence between Finland and this country.

3. The Anglo-Russian treaties (excepting political treaties) applicable to Finland were as follows:—

- (1) Declaration, 9th August, 1880. Estates of deceased seamen.
- (2) Declaration, 9th June, 1882. Tonnage measurement.
- (3) Treaty, 24th November, 1886. Extradition.
- (4) Agreement, 24th August, 1896. Commercial Relations between Russia and Zanzibar.
- (5) Agreement, 16th October, 1904. Exchange of Money Orders.
- (6) Agreement, 29th December, 1904. Joint Stock Companies.
- (7) Notes, 29th and 30th October, 1906. Trade Marks in China.
- (8) Notes, 9th and 11th October, 1908. Trade Marks and Patents in Morocco.
- (9) Notes, 16th July, 1915. Waiver of Consular Fees on Certificate of Origin.

4. The views of His Majesty's Government in regard to each of these agreements are as follows:—

- (1) They do not wish to suggest a revival of this declaration in respect to Finland. The Board of Trade at present furnish the Consul-General for Finland in London with accounts of the wages and effects of deceased seamen. If the estate does not exceed one hundred pounds in value, and if the legal heir is a citizen of, and resident in, Finland, the property is delivered to the Finnish Consul-General. Where the value exceeds one hundred pounds the Board of Trade require administration in this country. The above arrangement only applies to the United Kingdom and not to the Dominions and Colonies. In these circumstances it is not considered desirable to revive the Declaration in respect of Finland.
- (2) The arrangement under this Declaration works satisfactorily, and it is considered that it might with advantage be revived at once in a form applicable to the United Kingdom only. In despatch No. 44 from Helsingfors, dated 12th September, 1912, it was stated that the Finnish authorities were contemplating the introduction of proposals to assimilate the Finnish rules of measurement to those of Great Britain. I should be glad if you would ascertain whether the present Finnish Government has a similar intention. Before the Declaration can be made applicable to British overseas countries as well as to the United Kingdom the Dominion Governments would have to be consulted.
- (3) A new extradition treaty is in the process of negotiation at present, in communication with the Finnish Minister at this capital.
- (4) His Majesty's Government are desirous of freeing Zanzibar from all special commercial agreements, and this Agreement will, if necessary, be denounced when diplomatic relations are resumed with any Russian Government. It is not, therefore, intended to revive this Agreement as regards Finland.
- (5) It is proposed to conclude a new direct Money Order Agreement between the United Kingdom (not British overseas countries) and the Republic of Finland, and preliminary negotiations will shortly be begun by the Postmaster General with the Finnish postal authorities.
- (6) and (9) There is no objection to the revival of these agreements in respect to Finland, though it may be necessary to modify the text in certain cases before revival.
- (7) and (8) His Majesty's Government do not for the present propose to consider the revival of these agreements as far as they apply to Finland.

5. The Anglo-Russian Commercial Treaty of 1859, which was the principal instrument governing commercial relations between the United Kingdom and Russia, was definitely terminated on 24th October, 1918, and it is not proposed to revive it. On the other hand His Majesty's Government are prepared to conclude a commercial treaty with Finland, but this will naturally take considerable time, and commercial relations could be best furthered by an exchange of Notes, similar to the recent agreement concluded with Esthonia, a copy of which is attached. You should explain to the Finnish Government that this would be a purely temporary expedient intended to last only during the more protracted negotiations for the conclusion of a general commercial treaty on the usual lines. If

the Finnish Government are agreeable to this course they could instruct Monsieur Donner to carry out the exchange of notes at an early date.

6. I enclose copies of correspondence* on these treaties which has passed between this office and other Government Departments.

I am, &c.,
(for the Secretary of State),
J. D. GREGORY.

G. J. Kidston, Esq., C.M.G.,
&c., &c., &c.

FRANCE.

(1). Anglo-French Defence Treaty.
(Treaty Series, 1919, No. 6.)

39435

No. 175.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 177.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

} Dominions No. 540.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 7th July, 1919.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a Parliamentary paper† containing the text of the Anglo-French Treaty relative to the defence of France, signed at Versailles on the 28th June, 1919, to which is annexed the text of the similar Treaty between the United States and France.

2. It will be observed that provision is made in Article IV that the Treaty "shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by Parliament of the Dominion concerned."

3. I also enclose copies of the Bill‡ approving the Treaty, which was introduced in the House of Commons on the 3rd instant.

I have, &c.,
MILNER.

48243

No. 176.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

} Dominions No. 736.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 13th September, 1919.

WITH reference to my despatch Dominions No. 540, of the 7th of July,§ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Anglo-French Treaty (Defence of France) Act, 1919 [9 and 10 George V., chapter 34].

I have, &c.,
MILNER.

* Not printed.

† Treaty Series, 1919, No. 6.

‡ Bill 122.

§ No. 175.

56791

No. 177.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.10 a.m., 3rd October, 1919.)

TELEGRAM.

[Answered by No. 180.]

YOUR despatch 7th July, Dominions No. 540.* Both Houses of Parliament, Commonwealth of Australia, have approved Anglo-French Treaty.—MUNRO FERGUSON.

56790

No. 178.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6.40 p.m., 4th October, 1919.)

TELEGRAM.

(Canada.)
(New Zealand.)
(Union of South Africa.)

4TH OCTOBER. Commonwealth Parliament has approved Anglo-French Treaty, of which copy enclosed in my despatch of 7th July, Dominions No. 540.* —MILNER.

68245

No. 179.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND
GOVERNOR.

(Sent 5.25 p.m., 4th December, 1919.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

4TH DECEMBER. My despatch of 13th September, Dominions No. 736,† Anglo-French Treaty. British and French ratifications exchanged 20th November. —SECRETARY OF STATE FOR THE COLONIES.

20124

No. 180.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 179.)

SIR,

Downing Street, 6th May, 1920.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 3rd of October‡ announcing the approval by the Commonwealth Parliament of the Anglo-French Treaty relative to the Defence of France, signed at Versailles on the 28th June, 1919.

* No. 175.

† No. 176.

‡ No. 177.

I should be glad if you would be so good as to inform your Ministers that as the Treaty does not come into force until the corresponding Treaty between France and the United States of America has been ratified, it was thought advisable to defer notifying the approval of the Commonwealth Parliament to the French Government pending the decision of the other Dominions with regard to the Treaty. No other Dominion Parliament has yet approved the Treaty, but as from the information available it appears most unlikely that the Treaty between France and the United States will be ratified in the near future, it is thought that there would be no advantage in the circumstances in notifying at this stage the approval of the Commonwealth Parliament.

I have, &c.,
MILNER.

(2). Commercial Relations with Canada.

11876

No. 181.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.58 p.m., 4th March, 1920.)

TELEGRAM.

[Answered by No. 182.]

4TH MARCH. Your despatch 30th September, No. 446,* Franco-Canadian Commercial Conventions, 1907 and 1909. Government of Canada desire that notice shall be given for final termination of these treaties, and request that steps may be taken for notification to French Government of Canada's intention three months after such notification finally to terminate treaties referred to.—DEVONSHIRE.

15698

No. 182.

CANADA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

(No. 209.)

Sir,

Downing Street, 30th March, 1920.

I HAVE the honour to acknowledge the receipt of the Duke of Devonshire's telegram of the 4th of March,† and to transmit to Your Excellency, to be laid before your Ministers, a copy of the despatch sent to His Majesty's Ambassador at Paris regarding the termination of the Franco-Canadian Commercial Conventions of the 19th of September, 1907, and the 23rd of January, 1909, together with a copy of the notification made by Lord Derby to the French Government on the 19th of March.

I have, &c.,
MILNER.

* 54453: not printed. This enclosed correspondence with the High Commissioner for Canada as to the position of France in relation to Commercial Treaties after 10th September, 1919 (see pages 17-24 of Dominions No. 61). † No. 181.

Enclosure 1 in No. 182.

(No. 914. 184322/W50.)

My Lord,

Foreign Office, S.W.1., 16th March, 1920.

You will be aware that on 10th September, 1919, the denunciation by the French Government of the Franco-Canadian Commercial Conventions of 19th September, 1907, and 23rd January, 1909, took effect, but that in accordance with the proposal of the French Government the two Conventions have since then remained in force, subject to termination upon three months' notice by either of the contracting parties.

2. The Canadian Government have now decided to terminate the two Conventions in question, and I request that Your Lordship will proceed at once to give the necessary three months' notice to the French Government. I shall be glad to receive copies of the communication made by Your Excellency to the French Government on the subject in due course.

I have, &c.,
(for the Secretary of State)

His Excellency

the Earl of Derby, K.G., G.C.V.O.,
etc., etc., etc.

Enclosure 2 in No. 182.

(187258.)

British Embassy,

Paris, 19th March, 1920.

MONSIEUR LE PRÉSIDENT DU CONSEIL,

THE denunciation by the French Government of the Franco-Canadian Commercial Conventions of 19th September, 1907, and 23rd January, 1909, took effect on 10th September, 1919, but have since then remained in force, subject to termination upon three months' notice by either of the contracting parties.

The Canadian Government have now decided to terminate the two Conventions in question, and I therefore have the honour, under instructions from His Majesty's Secretary of State for Foreign Affairs, to notify that they will accordingly cease to be in force after a delay of three months as from the date of this note.

I have, etc.,
DERBY.

His Excellency

Monsieur Millerand,
President of the Council,
Minister for Foreign Affairs.

18183

No. 183.

CANADA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

(No. 236.)

Sir,

Downing Street, 17th April, 1920.

WITH reference to my despatch No. 209, of the 30th of March,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a note from the French Foreign Office acknowledging the notification of the decision of the Canadian Government to terminate the Franco-Canadian Commercial Conventions of 1907 and 1909.

I have, &c.,
MILNER.

* No. 182.

(18049.)

Enclosure in No. 183.

Ministère des Affaires Etrangères,
Paris, le 30 Mars, 1920.

Par une note en date du 19 de ce mois, l'Ambassade de Sa Majesté Britannique a bien voulu faire savoir au Ministère des Affaires Etrangères que le Gouvernement Canadien avait décidé de dénoncer les accords commerciaux du 19 Septembre 1907 et du 23 Janvier 1909, et que cette dénonciation entrerait en vigueur trois mois après la date de sa notification, c'est à dire au 19 Juin 1920.

Le Ministère des Affaires Etrangères a l'honneur d'accuser réception et de prendre note de cette communication.

28580

No. 184.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.0 p.m., 12th June, 1920.)

TELEGRAM.

[Answered by Nos. 185 and 187.]

My despatch 17th April, No. 236,* Franco-Canadian Commercial Conventions. Memorandum received from French Ministry for Foreign Affairs states that French Government anxious that there should not be serious disturbance of economic relations between France and Canada, and desire that clauses of these Conventions which relate to Customs should be continued to be applied by tacit understanding until signature of new arrangement for conclusion of which French Government ready to enter into negotiations at once. Canadian goods would therefore continue after 19th June to enjoy benefit on entry into France of conventional régime which has been abolished if Canadian Government accept this proposal, and will consent to adopt similar policy with regard to French goods imported into Canada.

Should be glad to learn at earliest possible date what reply your Ministers wish sent to French Government.—MILNER.

33330

No. 185.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.25 a.m. 7th July, 1920.)

TELEGRAM.

[Answered by No. 186.]

6TH JULY. By Order in Council approved this day, my Ministers have declared willingness of Government of Canada to admit French products to advantage of Canadian intermediate tariff in return for extension to Canada by Government of France of tariff rates under old Treaty, such temporary arrangement to continue till such opportunity shall have been given to negotiate new Treaty of permanent character. My Ministers desire that this proposal shall be communicated to Government of France without delay.—DEVONSHIRE.

*No. 185.

34270

No. 186.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 421.)

MY LORD DUKE,

Downing Street, 16th July, 1920.

I HAVE the honour to acknowledge the receipt of your Excellency's telegrams of the 6th July* and 12th July,† and to request you to inform your Ministers that His Majesty's Ambassador at Paris has been instructed to communicate to the French Government your Ministers' desire to come to an arrangement in regard to the reciprocal admission of Canadian goods into France and French goods into Canada at preferential rates pending the conclusion of a new Commercial Treaty.

I have, &c.,

MILNER.

36396

No. 187.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd July, 1920.)

[Answered by No. 188.]

(No. 470.)

MY LORD,

Government House, Ottawa, 13th July, 1920.

WITH reference to your telegram of the 12th June,‡ regarding commercial treaty arrangements between Canada and France, I have the honour to transmit herewith copies of an approved Minute of the Privy Council of Canada recommending that the French Government be informed that the Canadian Government is prepared to admit French products to the advantages of the Intermediate Tariff in return for an extension by the French Government of the tariff rates under the old Treaty, such temporary arrangement to continue until opportunity shall have been given to negotiate a new Treaty of a permanent character.

It was upon this Minute that my telegram of the 12th instant§ was based.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 187.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 6TH JULY, 1920.

(P.C. 1552.)

The Committee of the Privy Council have had before them a report, dated 6th July, 1920, from the Minister of Trade and Commerce, submitting that in pursuance of notice given by the French Government to the Canadian Government through the medium of the Secretary of State for the Colonies, the treaty arrangements between Canada and France came to an end on the 19th June, 1920, and exports of both these countries became liable to the General Tariff in each of the two countries named.

The Minister states it has been intimated that the French Government would be prepared to consider an interim arrangement by which the trade exchanges of the two countries should be continued on a favourable basis, pending the negotiations of a new Treaty arrangement. In the interests of Canadian exporters, it is advisable that if possible some such arrangement should be made in order to prevent the dislocation of business already being carried on and in further prospect.

* No. 185.

† 34270: not printed, as it is practically identical with No. 185.

‡ No. 184.

§ 34270: not printed. See note to No. 186.

L

The Minister, therefore, recommends that the French Government be informed that the Canadian Government is prepared to admit French products to the advantages of the Intermediate Tariff in return for an extension by the French Government of the tariff rates under the old Treaty, such temporary arrangement to continue until opportunity shall have been given to negotiate a new Treaty of a permanent character.

The Committee concur in the foregoing recommendation and submit the same for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

48152

No. 188.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
(No. 603.)

MY LORD DUKE, Downing Street, 5th October, 1920.
WITH reference to Your Excellency's despatch No. 470, of the 13th July,* relative to the proposed interim arrangement for trade exchanges between Canada and France, pending the negotiation of a fresh Treaty, I have the honour to transmit to you, to be laid before your Ministers, a copy of a note from the French Ministry of Foreign Affairs.

I have, &c.,
MILNER.

Enclosure in No. 188.

Ministère des Affaires Etrangères,

MONSIEUR L'AMBASSADEUR, Paris, le 21 Septembre, 1920.

VOTRE Excellence a bien voulu, par une lettre en date du 8 de ce mois, me rappeler que le Gouvernement Canadien s'était déclaré disposé le 6 Juillet dernier à admettre les produits français au Canada aux termes de son tarif intermédiaire pourvu que le Gouvernement français consentit à étendre aux produits canadiens le bénéfice des tarifs de l'ancienne convention franco-canadienne. Elle ajoutait qu'elle serait heureuse de connaître à ce sujet les vues du Gouvernement de la République.

J'ai l'honneur de lui faire savoir que la proposition du Gouvernement canadien n'a pas pu être acceptée; en effet, l'ancienne convention franco-canadienne accordait aux produits français des avantages supérieurs à ceux qui leur seraient concédés par l'application éventuelle du tarif intermédiaire. Le Gouvernement français ne pourrait donc faire bénéficier les produits canadiens de l'ancienne convention que si le Gouvernement canadien en appliquait également tous les termes aux produits français.

Mais, comme le Gouvernement canadien paraît vouloir maintenir l'offre de son tarif intermédiaire pour les produits français, le Gouvernement de la République est tout disposé à appliquer aux produits canadiens son tarif général réduit d'une proportion correspondant à l'écart que présente, par rapport au tarif maximum du Canada, le tarif intermédiaire de ce pays. Cette proposition a déjà été soumise au Ministre de Commerce canadien par le Consul de France à Montréal et les listes de pourcentage des réductions qui seraient éventuellement consenties par le Gouvernement français ont été communiquées à l'agent commercial canadien à Paris.

Veuillez agréer, &c.,
(Signature illisible.)

* No. 187.

GERMANY.

1). Bilateral Treaties. (Revival under Article 289 of the Treaty of Peace.)

29897

No. 189.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	}	Dominions No. 252.)
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[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 22nd June, 1920.

WITH reference to previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a despatch to His Majesty's Ambassador at Berlin, forwarding the draft of a notice to the German Government giving a list of those bilateral Treaties between the British Empire and Germany which it has been decided to revive under the terms of Article 289 of the Treaty of Peace.

I have, &c.,
MILNER.

Enclosure in No. 189.

(No. 519.)

MY LORD, Foreign Office, S.W.1, 14th June, 1920.

I TRANSMIT herewith the draft of a notice* to the German Government giving a list of the bilateral Treaties between the British Empire and Germany which it has been decided to revive under the terms of Article 289 of the Treaty of Peace.

2. I request that you will communicate a notice in these terms to the German Government and ask for a formal acknowledgment of the same.

3. The notice should be dated and signed by Your Lordship, and you should furnish me with copies of the notice and the acknowledgment.

I am, &c.,
CHARLES TUFTON.

The Lord Kilmarnock, C.M.G.,
&c., &c., &c.

37141

No. 190.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	}	Dominions No. 320.)
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[MY LORD,] [SIR,] Downing Street, 5th August, 1920.

WITH reference to my despatch Dominions No. 252 of the 22nd June,† I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a notice published in the *London Gazette* of the 23rd July‡ relative to the renewal of certain pre-war Treaties with Germany.

I have, &c.,
MILNER.

* Not printed (see enclosure in No. 191).
reprinted

† No. 189.

‡ *Gazette* No. 31991, pp. 7769-70: not

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 356.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 21st August, 1920.

WITH reference to my despatch Dominions No. 320, of the 5th August,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a despatch from His Majesty's Chargé d'Affaires at Berlin, enclosing copies of the notice to the German Government giving a list of the bilateral Treaties between the British Empire and Germany which it has been decided to revive under Article 289 of the Treaty of Peace, and of the acknowledgment of the receipt thereof by the German Government.

2. Copies of a despatch to His Majesty's Representatives abroad,† transmitting copies of the notice published in the *London Gazette*, of the 23rd of July (copies of which accompanied my despatch referred to) are also enclosed.

I have, &c.,
MILNER.

Enclosure in No. 191.

(No. 549.)

MY LORD, Berlin, 9th July, 1920.

WITH reference to Your Lordship's despatch No. 519, of 14th June last, I have the honour to transmit to Your Lordship herewith copies of the notice of the German Government giving a list of the bilateral Treaties between the British Empire and Germany which it has been decided to revive under Article 289 of the Treaty of Peace, and of the acknowledgment of the receipt thereof by the German Government. Your Lordship will observe that the latter reserve the right to make a further communication after the question has been examined by the authorities concerned.

I have, &c.,
KILMARNOCK.

The Right Honourable
The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

(No. 257.)

MONSIEUR LE MINISTRE, Berlin, 25th June, 1920.

UNDER instructions received from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform Your Excellency that, in accordance with Article 289 of the Treaty of Versailles, of the 28th June, 1919, notice is hereby given to the German Government that the following bilateral Treaties between the British Empire and Germany are revived from the date of this notice.

I. *Extradition.*

(a) Treaty signed in London on the 14th May, 1872, between Great Britain and Germany for the mutual surrender of fugitive criminals.

(b) Treaty signed in Berlin, on the 17th August, 1911, relating to the extradition of fugitive criminals between British Protectorates and Germany.

II. *Parcel Post.*

Agreement signed in London on the 3rd November, 1894, and in Berlin on the 14th November, 1894, between the British and German Post Offices concerning the exchange of parcels by Parcel Post; with the modifications subsequently effected directly between the respective postal administrations, including the Exchange of Notes between those administrations dated, respectively, the 24th January, 1920, and the 6th February, 1920, in regard to the method of settlement of accounts.

* No. 190.

† Not reprinted.

III. *Money Orders.*

(a) Agreement signed in London, on the 9th January, 1908, and in Berlin on the 8th February, 1908, between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of the German Empire for the exchange of Money Orders, including the modification effected by Exchange of Notes between the British and German Postal administrations dated, respectively, 24th January, 1920, and the 6th February, 1920, in regard to the method of settlement of accounts.

The use of the words "German Protectorates" and "German Postal Agencies in Foreign countries" in Articles 1, 5, 8, and 17 is contrary to the stipulations of the Treaty of Versailles. These words are therefore not included in the revival, and must be regarded as excised from the Agreement.

(b) Arrangement between the Money Order Department of the Government of India and the Post Office Department of the German Empire, signed in Berlin the 20th May, 1880, and in Simla, the 22nd June, 1880, for the exchange of Money Orders.

I have the honour to request Your Excellency kindly to acknowledge receipt of this communication.

I avail myself, &c.,

His Excellency
Herr Simons,
Minister for Foreign Affairs.

(Translation.)
(V. England 1166./71049.)

MINISTRY FOR FOREIGN AFFAIRS.

THE Ministry for Foreign Affairs has the honour to confirm the receipt of the Note of the 25th ultimo, No. 257, of His Britannic Majesty's Embassy relative to the revival of certain Treaties and Agreements.

The Ministry for Foreign Affairs has taken up the matter with the competent authorities, and will transmit later a further communication regarding this matter.
Berlin, 6th July, 1920.

To
His Britannic Majesty's Embassy,
Berlin.

60933

No. 192.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 511).

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 20th December, 1920.

WITH reference to my despatch Dominions No. 356, of the 21st of August,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copies of correspondence with His Majesty's Ambassador at Berlin, relative to the bilateral Treaties between the British Empire and Germany which it has been decided to revive under the terms of the Treaty of Versailles.

2. It is proposed merely to interpret the last paragraph of the German Note enclosed in Lord d'Abernon's despatch, of 2nd December, as meaning that the German Government have agreed to the elimination of the words referred to.

I have, &c.,
MILNER.

* No. 191.

Enclosure 1 in No. 192.

(No. 1234.)

MY LORD,

Berlin, 2nd December, 1920.

WITH reference to Your Lordship's despatch No. 519, of 14th June last, instructing me to communicate to the German Government a note giving a list of the bilateral Treaties between the British Empire and Germany which it has been decided to revive under the terms of the Treaty of Versailles, Article 289, and Lord Kilmarnock's despatch No. 549, of 9th July, transmitting copies of the notice sent to the German Government, and of their receipt thereof, I have the honour to forward to Your Lordship herewith a further note on the subject which I have received from the Ministry for Foreign Affairs.

I have, &c.,
D'ABERNON.

The Right Honourable

The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

(Translation.)
(No. V.E. 2824.)

NOTE VERBALE.

THE Ministry for Foreign Affairs has the honour, in answer to his note of the 25th June, 1920, to inform His Britannic Majesty's Ambassador that the German Government considers the Treaties and Agreements, together with such alterations and additions mentioned in the note, as coming into force again from 29th June, 1920.

As far as the words "German Protectorates" and "German Post Offices in Foreign Countries" are concerned, which occur in Articles 1, 5, 8, and 17 of the Agreements concerning Money Orders, between Germany and Great Britain, dated 9th January and 8th February, 1908, the German Government takes the point of view that these words cannot be eliminated by virtue of a one-sided decision on the part of His Britannic Majesty's Government on the ground that the words are not in accordance with the terms of the Treaty of Versailles. To strike out the words by virtue of a one-sided declaration, according to Article 289, paragraph 4, of the Treaty of Peace, could only take place if the German Empire were forbidden ever again to possess, even by new acquisitions in the future, Protectorates and Post Offices in foreign countries.

As these words have, however, at the present moment, no concrete meaning, the German Government has no objection to consenting, of their own free will, to a joint agreement respecting the elimination of the words.

Ministry for Foreign Affairs,
Berlin, November, 1920.

Enclosure 2 in No. 192.

(No. 1136.)

MY LORD,

Foreign Office, S.W.1, 11th December, 1920.

WITH reference to the enclosure in Your Excellency's despatch No. 1234, of the 2nd instant, respecting the bilateral Treaties between Great Britain and Germany revived under Article 289 of the Treaty of Versailles, I request that you will point out to the German Government that that Article provides that "the date of the revival shall be that of the notification." As the date of the notification was 25th June last, the date of the revival of those Treaties is accordingly 25th June, 1920, and not 29th June, 1920.

I am, &c.,
(for the Secretary of State),
CHARLES TUFTON.

His Excellency

The Right Honourable

The Lord d'Abernon, G.C.M.G.,
&c., &c., &c.

(2). Treaty of Peace (Versailles.)

(Treaty Series, 1919, No. 4.)

27657

No. 193.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.0 a.m., 7th May, 1919.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

FULL summary of Peace Treaty being cabled from London by Reuters. Portion has been sent already, and understand that whole text will be released for Press here 7th May, 6 p.m. Paris time. Reuter's officers have been warned not to allow local publication until advised by cable, and to send copy to you before publication.—MILNER.

27657

No. 194.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL and GOVERNOR.

(Sent 1.0 a.m., 7th May, 1919.)

TELEGRAM.

(Canada.)
(Newfoundland.)

FULL summary of Peace Treaty is being cabled from London by Western Union Company to North Sydney, whence it will be sent direct to [your Prime Minister] [you] as well as to [St. John's, Newfoundland] [Ottawa] and Washington. Understand that summary will be released for Press, 7th May, 6 p.m., Paris time; 1 p.m., New York time.—MILNER.

28607

No. 195.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

Dominions No. 366.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 10th May, 1919.

WITH reference to my telegram of the 7th of May,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying print† giving the general scheme of the Treaty of Peace.

3. I have not at present received the full text of the Treaty, which shall be communicated to you in due course.

I have, &c.,
MILNER,

* Nos. 193 and 194.

† W.C.P. 728 (Revise).

37489

No. 196.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 7.53 p.m., 23rd June, 1919.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

FOREIGN OFFICE have received intimation to-day, from Paris, that Germans have agreed to sign Treaty unconditionally. News may be published.—MILNER.

38218

No. 197.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 5.35 p.m., 27th June, 1919.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

FOLLOWING message from His Majesty the King should be published as soon as I telegraph that Peace has been signed.

Begins: The signing of the Treaty of Peace will be received with deep thankfulness throughout the British Empire. This formal act brings to its concluding stages the terrible war which has devastated Europe and distracted the world. It manifests the victory of the ideals of freedom and liberty for which we have made untold sacrifices. I share my people's joy and thanksgiving, and earnestly pray that the coming years of Peace may bring to them ever increasing happiness and prosperity. *Ends.*—MILNER.

37836

No. 198.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 5 p.m., 28th June, 1919.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

28TH JUNE. Peace Treaty with Germany signed by representatives of Allied and Associated Powers and by representatives of Germany, to-day, at 4 o'clock. Concluding Article of Treaty provides that first procès verbal of deposit of ratifications will be drawn up as soon as Treaty has been ratified by Germany on one hand and by three of principal Allied and Associated Powers on other hand, that from date of this first procès verbal Treaty will come into force between High Contracting Parties who have ratified it, that for determination of all periods of time provided for in Treaty this date will be date of coming into force of Treaty and that in all other respects Treaty will enter into force for each Power at date of deposit of its ratification.

Date of ratification, i.e., of coming into force of Peace Treaty, cannot be stated yet.—MILNER.

39239

No. 199.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 8.30 p.m., 1st July, 1919.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

1ST JULY. Reference to my telegram of 28th June,* Peace Treaty. Following Proclamation issued here to-day.

Begins:

BY THE KING.

A PROCLAMATION.

GEORGE R.I.

WHEREAS a Definitive Treaty of Peace between Us and the Associated Governments and the German Government was concluded at Versailles on the Twenty-eighth day of June last: In conformity therewith We have thought fit hereby to command that the same be published in due course throughout all Our Dominions: And We do declare to all Our loving subjects Our Will and Pleasure that upon the exchange of the Ratifications thereof the said Treaty of Peace be observed inviolably as well by sea as by land and in all places whatsoever: strictly charging and commanding all Our loving subjects to take notice hereof and to conform themselves thereunto accordingly.

Given at Our Court at Buckingham Palace, this First day of July, in the year of our Lord One thousand nine hundred and nineteen, and in the Tenth year of Our Reign.

GOD SAVE THE KING.

—Ends.

Please arrange for publication as soon as possible.—MILNER.

40890

No. 200.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.10 a.m., 10th July, 1919.)

TELEGRAM.

[Answered by No. 201.]

(Paraphrase.)

9TH JULY. Most Secret. Following from Prime Minister. *Begins:* ¶ Paragraph (1) of your Most Secret telegram of 4th July, respecting ratification of Peace Treaty with Germany.† I am under a pledge to submit the Treaty to Parliament before ratification on behalf of Canada. No copy of the Treaty has yet arrived and Parliament has been prorogued. Kindly advise how you expect to accomplish ratification on behalf of the whole Empire before the end of July. *Ends.*—DEVONSHIRE.

* No. 198.

† Not printed. This contained general political news, and *inter alia* a statement that it was hoped that the German Treaty might be ratified by three of the principal Allied and Associated Powers, and by Germany, before the end of July, 1919.

43202

No. 201.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.3 p.m., 22nd July, 1919.)

TELEGRAM.

[Answered by No. 204.]

(Paraphrase.)

FOLLOWING for your Prime Minister. Your Most Secret telegram, 9th July,* I have now consulted the Prime Minister and the Cabinet. Our view is this:—

Early ratification, especially now that Germany has ratified, is of the highest importance. There is nothing in the British Constitution which makes it necessary for the King, before ratifying a Treaty, to obtain the consent of Parliament. He can ratify, on the advice of his Ministers, with perfect constitutional propriety. Certainly for a Treaty of this far-reaching importance, and one embracing the whole Empire, he ought to act only at the instance of all his constitutional advisers—the Dominion Ministries as well as that of the United Kingdom. But inasmuch as Dominion Ministers participated in the Peace negotiations and signed the Preliminary Treaty side by side with Ministers of the United Kingdom, we hold that if His Majesty now ratified the Treaty for the whole Empire he would have the same constitutional justification for doing so in respect of the Dominions as he has in respect of the United Kingdom. He would, by a single act, bind the whole Empire, as it is right that he should do, but that act would represent the considered judgment of his constitutional advisers in all the self-governing States of the Empire because it would merely be giving effect to an international pact, to which they had all agreed.

We realize, at the same time, the difficulty in which you are placed by your pledge to Parliament. We are willing, in order to meet this, to delay ratification, which we should desire to effect immediately if we alone were concerned, as long as we possibly can, in order to give you time to lay the Treaty before your Legislature. The question is, how long would this take? Could you have, at an early date, a special meeting of Parliament solely for the submission of the Treaty, and, if so, how soon might its approval be expected? It would be impossible, in our opinion, to delay ratification till the late autumn without the gravest consequences.

I am communicating with Governments of New Zealand, Australia, and South Africa, explaining urgency and begging them to submit Treaty to Parliament, if they feel bound to do so, without delay before assenting to its ratification.—MILNER.

43202

No. 202.

UNION OF SOUTH AFRICA: COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 2.30 p.m., 23rd July, 1919.)

TELEGRAM.

[Answered by Nos. 208 and 209.]

(Paraphrase.)

23RD JULY. [Please communicate following to your Prime Minister.] [Please give Mr. Hughes following message on arrival.]

Begins: It is of the greatest importance, now that Germany has ratified Treaty of Peace, that it should be ratified by us with the least possible delay, as there can be no definite peace till this is done. His Majesty can, as you are aware, constitutionally ratify any Treaty without consent of Parliament. British Government, however, has thought it desirable submit Treaty to Parliament, where it will be without doubt approved in the course of this week. It is for you, of course, to decide whether you wish to submit Treaty before its ratification by His Majesty to the Parliament of [South Africa.] [Australia.] If so, it would be necessary for you to do so immediately on your return. *Ends.*

Please repeat above to Governor-General of Commonwealth.—MILNER.

* No. 200.

43202

No. 203.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR OF FIJI.

(Sent 2.30 p.m., 23rd July, 1919.)

23RD JULY. Please give Mr. Massey following message on his arrival in "Niagara."

Begins: [This message is in identic terms, mutatis mutandis, with that in No 202.] *Ends.*

Please repeat to Governor-General, New Zealand.—MILNER.

44545

No. 204.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.5 a.m., 31st July, 1919.)

TELEGRAM.

[Answered by No. 206.]

(Paraphrase.)

30TH JULY. Secret. Following from Prime Minister:—

Begins: Cabinet have carefully considered your telegram of 23rd July,* and consider doubt exists as to whether the King should, under modern constitutional practice, ratify without first obtaining the approval of Parliament. In case of Treaties imposing any burden on the people or involving any change in the law of the land or requiring legislative action to make them effective or acquiring the free exercise of the legislative power or affecting territorial rights, we think that in accordance with recent practice authorities such approval should be obtained.

We fully agree that in ratifying the Treaty the King ought only to act at the instance of all his constitutional advisers throughout the Empire, but we do not entirely understand suggestion case of the Dominions the signature of Dominion plenipotentiaries is equivalent to the tendering of advice to ratify. Do you regard this as holding good in the case of signature of the United Kingdom plenipotentiaries?

We propose to call a special session on 4th September for purpose of presenting Treaty to Parliament, and I am confident that we can ratify within a week from that date. Please telegraph if this meets with your views. *Ends.*—DEVONSHIRE.

44943

No. 205.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.30 a.m., 2nd August, 1919.)

TELEGRAM.

[Answered by No. 206.]

1ST AUGUST. Urgent. Following from my Prime Minister:—*Begins:* As we must give thirty days' notice of summoning of Parliament, I hope I can have immediate reply to my telegram 30th July,† respecting ratification of Peace Treaty. DEVONSHIRE.

* No. 201. † No. 204.

44545

No. 206.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.20 p.m., 2nd August, 1919.)

TELEGRAM.

[Answered by No. 207.]

(Paraphrase.)

2ND AUGUST. Your telegrams 31st July, 1st August;* Urgent. I strongly advise your giving notice immediately to summon Parliament. It is impossible to promise that we shall be able to keep back ratification till 11th September in view of the severe pressure being put upon us from Paris to ratify at the earliest possible date. But I will certainly do my best, and I feel pretty confident that, if we could count on Canadian approval by that date, the argument would be irresistible for that amount of delay.—MILNER.

45640

No. 207.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.5 p.m., 5th August, 1919.)

TELEGRAM.

[Answered by No. 213.]

(Paraphrase.)

4TH AUGUST. Following from Prime Minister.
Begins: Your telegram of 2nd August† reached me yesterday. Parliament has to-day been summoned for Monday, 1st September. I cannot emphasize too strongly the unfortunate results which would certainly ensue from ratification before Canadian Parliament has had an opportunity of considering Treaty. *Ends*.—DEVONSHIRE.

45779

No. 208.

COMMONWEALTH OF AUSTRALIA.

MR. HUGHES (DURBAN) to THE SECRETARY OF STATE.

(Received 6.55 a.m., 6th August, 1919.)

TELEGRAM.

Your telegram 23rd July.‡ Propose to lay Treaty of Peace before Parliament for ratification.—HUGHES.

46012

No. 209.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.25 a.m., 7th August, 1919.)

TELEGRAM.

[Answered by No. 211.]

(Paraphrase.)

6TH AUGUST. With reference to your telegram of 23rd July.‡ Treaty of Peace, my Ministers consider it to be advisable from every point of view that Treaty

* Nos. 204 and 205. † No. 206. ‡ No. 202.

should be submitted to the approval of Parliament, and they are prepared to call Parliament before end of August for the purpose. Ministers hope that as it will be very desirable to secure uniformity in dealing with this question, it will be possible for you to submit suggestions as to form in which Peace Treaty should receive Parliamentary approval in Dominions. Should this approval take the form of Bill on lines of that submitted to British Parliament or of motion submitted to Parliament for that purpose? I must urgently request early reply.—BUXTON.

45779

No. 210.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 7th August, 1919.)

TELEGRAM.

[Answered by No. 217.]

(Paraphrase.)

7TH AUGUST. Urgent. My telegram 23rd July,* Peace Treaty, sent through Governor-General, Union, to Hughes, and repeated to you. Following reply received:—

Begins: Your telegram 23rd July. Propose to lay Treaty of Peace before Parliament for ratification.—HUGHES. *Ends*.

Telegraph earliest date on which formal assent to ratification of Parliament of Commonwealth may be expected. In view of severe pressure being put on us from Paris to ratify at earliest possible date matter is urgent. French ratification expected 2nd September or 3rd September, and Canadian Parliament holding special session 1st September to consider Treaty.—MILNER.

46012

No. 211.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.40 p.m., 7th August, 1919.)

TELEGRAM.

(Paraphrase.)

With reference to your telegram of 6th August.† The matter is, of course, one for decision of local Government, but I think that the best course would be to obtain approval of Treaty by resolution of both Houses. If, as is probable, legislation on lines of British Bill is required in order to give effect to Treaty this would naturally follow as consequence of such resolution.—MILNER.

46667

No. 212.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4 a.m., 12th August, 1919.)

TELEGRAM.

[Answered by No. 214.]

11TH AUGUST. My telegram 6th August;‡ Peace Treaty Union Parliament summoned to meet 6th September.—BUXTON.

* No. 202. † No. 209. ‡

74666

No. 213.

COMMONWEALTH OF AUSTRALIA: CANADA.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent [7.40 p.m.,] [10.15 p.m.,] 12th August, 1919.)

TELEGRAM.

[Answered by Nos. 218 and 220.]

(Paraphrase.)

12TH AUGUST. Urgent. [To Commonwealth of Australia: In continuation of my telegram 7th August,*] [To Canada: With reference to your telegram 4th August,†] I have been asked by Government of Union of South Africa, which has [To Canada: also] convened special session of Parliament to consider Peace Treaty with Germany, and is of opinion that it will be very desirable to secure uniformity in dealing with this question, to submit suggestions as to the form in which Peace Treaty should receive Parliamentary approval in Dominions, i.e., whether approval should take the form of a Bill on lines of that submitted to Parliament here or of motion submitted to Parliament for that purpose. I have replied to effect that matter is of course one for decision of local Government, but that best course, in my opinion, would be to obtain approval of Treaty by resolution of both Houses, and that if, as is probable, legislation on lines of British Bill is required in order to give effect to Treaty this could follow later. It is important to bear in mind that the British Bill is not a Bill to ratify the Peace Treaty, but to empower the Government to take necessary steps to carry out those provisions of the Treaty which require legislative authority.

[To Canada only: French ratification expected 2nd September or 3rd September, and severe pressure being put on us from Paris to ratify Treaty at earliest possible date.] My reason for suggesting resolution of both Houses is that this procedure might enable ratification to take place without the delay that might be involved in obtaining Parliamentary powers for carrying out the Treaty. I should be grateful if you will inform me what procedure will be adopted by your Government. If, as I hope, procedure by resolution is adopted, I assume that there will be no objection to His Majesty ratifying immediately we receive cable to effect that such resolution has been passed, and I have telegraphed to other Dominions in same sense.—MILNER.

46667

No. 214.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.40 p.m., 12th August, 1919.)

TELEGRAM.

[Answered by No. 218.]

(Paraphrase.)

12TH AUGUST. Urgent. I regret to note from your telegram, 11th August,‡ that it has not been found possible to convene Union Parliament as soon as was expected when you telegraphed on the 6th August.§ Severe pressure is being put upon us from Paris to ratify Treaty at earliest possible date, and French ratification expected 2nd September or 3rd September. Matter is thus very urgent. Australian Parliament is now in session, so that matter can be taken in hand immediately on arrival of Hughes. Canadian Parliament will meet 1st September, and I understand that New Zealand Parliament will meet immediately. I hope that in these circumstances procedure by joint resolution will be adopted as suggested by my telegram 7th August,|| in order to avoid any delay that might be incurred while Parliamentary powers to execute Treaty are being obtained. If this procedure adopted, I assume that your Government will have no objection to His Majesty being advised to ratify immediately we receive cable to effect that such resolution has been passed, and I am communicating in same sense with other Dominion Governments.—MILNER.

* No. 210.

† No. 207.

‡ No. 212.

§ No. 209.

|| No. 211.

46667

No. 215.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11 p.m., 12th August, 1919.)

TELEGRAM.

[Answered by Nos. 219 and 224.]

(Paraphrase.)

12TH AUGUST. Urgent. Peace Treaty with Germany. In continuation of my telegram 23rd July,* which was handed by Governor, Fiji, to your Prime Minister, at Suva, 1st August, and which he was instructed to repeat to you. Please telegraph earliest date on which formal assent of New Zealand Parliament to ratification may be expected. Severe pressure is being put on us from Paris to ratify at earliest possible date, and French ratification expected 2nd September or 3rd September. Matter is thus very urgent. Canadian Parliament holding special session to consider Treaty 1st September.

Government of Union of South Africa, which has also convened special session of Parliament to consider Peace Treaty with Germany, is of opinion that it will be very desirable to secure uniformity in dealing with this question, and have asked me to submit suggestions as to the form in which Peace Treaty should receive Parliamentary approval in Dominions, i.e., whether approval should take the form of a Bill on lines of that submitted to Parliament here or of motion submitted to Parliament for that purpose. I have replied to effect that matter is of course one for decision of local Government, but that best course, in my opinion, would be to obtain approval of Treaty by Resolution of both Houses, and that if, as is probable, legislation on lines of British Bill is required in order to give effect to Treaty, this could follow later.

It is important to bear in mind that the British Bill is not a Bill to ratify the Peace Treaty, but to empower the Government to take necessary steps to carry out those provisions of the Treaty which require legislative authority.

My reason for suggesting Resolution of both Houses is that this procedure might enable ratification to take place without the delay that might be involved in obtaining parliamentary powers for carrying out the Treaty. I should be grateful if you will inform me what procedure will be adopted by your Government. If, as I hope, procedure by Resolution is adopted, I assume that there will be no objection to His Majesty ratifying immediately we receive cable to effect that such Resolution has been passed, and I have telegraphed to other Dominions in same sense.—MILNER.

47641

No. 216.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.50 a.m., 16th August, 1919.)

TELEGRAM.

[Answered by No. 221.]

14TH AUGUST. Your telegram 12th August;† ratification of Peace Treaty. Ministers regret that it was not found possible to convene Parliament before 5th September. They will adopt all necessary measures to expedite procedure for securing ratification of Treaty at the earliest date, but are at present doubtful whether it would be good policy to submit Resolution for the purpose instead of proceeding by way of a Bill on lines of the Imperial Act.—BUXTON.

* No. 203.

† No. 214.

47868

No. 217.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 18th August, 1919.)

TELEGRAM.

[Answered by No. 221.]

(Paraphrase.)

WITH reference to your telegram of 7th August,* am summoning Parliament on Wednesday, 10th September, for special consideration of Peace Treaty. Impossible to arrange meeting before this date. Difficult at this stage to predict time required for its passage through both Houses, but I may be able to give you indication a little later on. You may rely on Commonwealth Government showing utmost despatch.—MUNRO FERGUSON.

47869

No. 218.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 18th August, 1919.)

TELEGRAM.

(Paraphrase.)

WITH reference to your telegram of 12th August,† Commonwealth Government consider that Resolution is preferable course, but I have not yet had opportunity of consulting Prime Minister. He arrives next week in Western Australia, and I will take earliest opportunity of conferring with him and communicating final decision.—MUNRO FERGUSON.

49201

No. 219.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 p.m., 22nd August, 1919.)

TELEGRAM.

(Paraphrase.)

WITH reference to your telegram, 12th August,‡ regarding Treaty of Peace. Am informed by Prime Minister that, as suggested by you, he will submit Treaty to Parliament by Resolution, and that on 2nd September he expects to be able to do so.—LIVERPOOL.

49203

No. 220.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 p.m., 23rd August, 1919.)

TELEGRAM.

(Paraphrase.)

23RD AUGUST. Parliamentary approval of Peace Treaty with Germany. With reference to your telegram dated 12th August,† Government of Canada propose to proceed by way of Resolution of both Houses in order that matter may be expedited, and legislation giving effect to Treaty will be introduced later.—DEVONSHIRE.

119

49203

No. 221.

COMMONWEALTH OF AUSTRALIA: UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.25 p.m., 26th August, 1919.)

TELEGRAM.

[Answered by No. 222.]

(Paraphrase.)

WITH reference to your telegram, [18th August,*] [14th August,†] relative to Peace Treaty with Germany, in order that matter may be expedited, Canada will proceed by way of Resolution of both Houses, and legislation giving effect to Treaty will be introduced later. New Zealand will also adopt procedure by way of Resolution.—MILNER.

50596

No. 222.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 p.m., 31st August, 1919.)

TELEGRAM.

(Paraphrase.)

31ST AUGUST. In view especially of your telegram of 26th August,‡ and in view of great urgency of matter, Cabinet decided, subsequent to General Botha's death, to proceed by Resolution, introducing later legislation giving effect to the (?) Treaty.

They expect that the Resolution will be adopted by the middle of next week.—BUXTON.

50596

No. 223.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 1st September, 1919.)

TELEGRAM.

My telegram 26th August;‡ Union of South Africa also will proceed by way of joint Resolution in regard to Peace Treaty with Germany.—MILNER.

51168

No. 224.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.48 a.m., 3rd September, 1919.)

TELEGRAM.

(Paraphrase.)

3RD SEPTEMBER. With reference to your telegram of 12th August,§ regarding Peace Treaty. By House of Representatives, on 2nd September, Resolution was passed that the House of Representatives in Parliament assembled resolves that this House assents to the ratification by His Majesty of the Treaty of Peace with Germany as approved by the Plenipotentiaries at the recent Peace Conference. On the same date the Legislative Council passed a similar Resolution.—LIVERPOOL.

51601

No. 225.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.30 p.m., 6th September, 1919.)

TELEGRAM.

[Answered by No. 226.]

6TH SEPTEMBER. Urgent. Confidential. Parliamentary approval of Treaty of Peace with Germany. Have heard nothing from you since your two telegrams 18th August.* New Zealand Resolution already passed, and Canadian and South African Resolutions expected by Thursday next. Please telegraph as soon as possible when Australian approval may be expected.—MILNER.

52165

No. 226.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 a.m., 9th September, 1919.)

TELEGRAM.

[Answered by No. 232.]

9TH SEPTEMBER. Your telegram of 6th September.† Parliamentary approval of Peace Treaty with Germany. Commonwealth of Australia proceeding by Resolution to be moved to-morrow. Ratification probable within fortnight.—FERGUSON.

52630

No. 227.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.15 p.m., 10th September, 1919.)

TELEGRAM.

(Paraphrase.)

10TH SEPTEMBER. Urgent. With reference to my telegram of 31st August,‡ Peace Treaty. House of Assembly this afternoon adopted ratification Resolution by 84 votes to 19. The latter were all Nationalists. Resolution was then transmitted to Senate for their concurrence.—BUXTON.

48282

No. 228.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 726.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE.] [MY LORD.] [SIR.] Downing Street, 10th September, 1919.

With reference to my despatch Dominions No. 545, of the 9th of July,§ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Treaty of Peace Act, 1919, 9 and 10 Geo. 5, ch. 33.

I have, &c.,

MILNER.

* Nos. 217 and 218. † No. 225. ‡ No. 222. § 39434: not printed: this enclosed copy of the Treaty of Peace Bill.

53252

No. 229.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.5 p.m., 12th September, 1919.)

TELEGRAM.

12TH SEPTEMBER. Most urgent. Following Order in Council approved this day:—*Begins*:

At Government House, at Ottawa, 12th September, 1919; present, the Governor-General in Council.

Whereas at Versailles, on 28th June, 1919, Treaty of Peace, including Protocol annexed thereto, between the Allied and Associated Powers and Germany was concluded and signed on behalf of His Majesty for and in respect of Dominion of Canada by Plenipotentiary duly authorized for that purpose by His Majesty on the advice and recommendation of Government of Dominion of Canada:

And whereas the Senate and House of Commons of the Dominion of Canada have by Resolution approved of the said Treaty of Peace:

And whereas it is expedient that said Treaty of Peace be ratified by His Majesty for and in respect of Dominion of Canada:

Now therefore the Governor-General in Council, on recommendation of Secretary of State for External Affairs is pleased to order and doth hereby order that His Majesty the King be humbly moved to approve, accept, confirm, and ratify said Treaty of Peace for and in respect of Dominion of Canada. *Ends*.

—DEVONSHIRE.

Note.—The correspondence with Canada, from No. 200 onwards, is published with earlier correspondence as to the representation of Canada at the Peace Conference as Canadian Sessional Paper No. 41 of 1919.

53287

No. 230.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.10 p.m., 13th September, 1919.)

TELEGRAM.

13TH SEPTEMBER. Ratification of Peace Treaty. Ministers request me to communicate following Resolution, which has been adopted by both Houses of Parliament. Actual address to His Majesty the King will be forwarded by mail. *Resolution begins*:

Whereas a Treaty of Peace was concluded at Versailles, on the 28th June, 1919, between the Allied and Associated Powers and Germany, and was duly signed by the Prime Minister and the Minister of Defence in their capacities as Plenipotentiaries for the Union of South Africa:

And whereas it is expedient that the said Treaty (copies of which have been laid on the tables of both Houses of Parliament) should be ratified or ratification thereof exchanged on behalf of the Union of South Africa:

The Parliament of the Union of South Africa resolves that a humble address be presented to His Majesty praying that His Majesty may be graciously pleased to ratify and exchange ratification of the Treaty on behalf of the Union of South Africa. *Ends*.

—BUXTON.

53289

No. 231.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.10 p.m., 13th September, 1919.)

TELEGRAM.

13TH SEPTEMBER. With reference my telegram 10th September,* Peace Treaty ratification; Resolution adopted by Senate yesterday by thirty to five. Latter all Nationalists.—BUXTON.

52165

No. 232.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12 noon, 30th September, 1919.)

TELEGRAM.

[Answered by No. 233.]

YOUR telegram of 9th September;† Peace Treaty. When may approval of Commonwealth Parliament be expected?—MILNER.

56790

No. 233.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 a.m., 3rd October, 1919.)

TELEGRAM.

[Answered by No. 234.]

YOUR telegram 30th September.‡ Both Houses of Parliament Commonwealth of Australia have approved Treaty of Peace with Germany.—FERGUSON.

56790

No. 234.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.15 p.m., 4th October, 1919.)

TELEGRAM.

YOUR telegram of 3rd October.§ Most satisfactory to know that Treaty of Peace with Germany has been approved by Commonwealth Parliament. Parliaments of Canada, New Zealand, and Union of South Africa have approved also.—MILNER.

* No. 227. † No. 230. ‡ No. 232. § No. 233.

56790

No. 235.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6.40 p.m., 4th October, 1919.)

TELEGRAM.

(Canada.)
(New Zealand.)
(Union of South Africa.)
(Extract.)

4TH OCTOBER. With reference to my telegram of 19th September,* Commonwealth Parliament has now approved Treaty of Peace with Germany.—MILNER.

57997

No. 236.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.30 p.m., 11th October, 1919.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

11TH OCTOBER. Referring to my telegram of 4th October,† general instrument of ratification in respect of Treaty of Peace with Germany, and its Protocol, Rhine Territories Agreement, and Treaty concerning Poland, signed by His Majesty the King on 8th October.—MILNER.

58562

No. 237.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th October, 1919.)

[Answered by No. 238.]

(No. 764.)

MY LORD, Governor-General's Office, Cape Town, 20th September, 1919.

WITH reference to my telegram of the 13th September,‡ I have the honour to transmit to Your Lordship a copy of a minute from my Ministers forwarding a joint Address to His Majesty from both Houses of Parliament with reference to the ratification of the Treaty of Peace between the Allied and Associated Powers and Germany.

I have, &c.,
BUXTON,
Governor-General.

Enclosure in No. 237.

Prime Minister's Office, Cape Town, 19th September, 1919.

MINUTE No. 1406.

IN continuation of their minute No. 1374, of the 13th instant, Ministers have the honour to forward herewith an Address from both Houses of Parliament, with reference to ratification of the Treaty of Peace between the Allied and Associated Powers and Germany.

J. C. SMUTS.

* 53103: this expressed satisfaction at the news that the Treaty had been approved by [Canadian] [New Zealand] [Union] Parliaments and notified its approval by the other two Dominion Parliaments also. † Nos. 234 and 235. ‡ No. 230.

TO HIS EXCELLENCY THE RIGHT HONOURABLE VISCOUNT BUXTON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF ST. MICHAEL AND ST. GEORGE, HIGH COMMISSIONER FOR SOUTH AFRICA, GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

MAY IT PLEASE YOUR EXCELLENCY:

WE, the President and Members of the Senate and the Speaker and Members of the House of Assembly of the Union of South Africa, in Parliament assembled, have the honour respectfully to request that Your Excellency may be pleased to transmit the accompanying Address of the Senate and the House of Assembly, relative to the ratification of the Treaty of Peace between the Allied and Associated Powers and Germany, to His Most Gracious Majesty the King, through the Right Honourable the Secretary of State for the Colonies.

O. CLOUGH,	T. W. REITZ,
Clerk of the Senate.	President of the Senate.
Gys. R. HOFMEYR,	C. JOEL KRIGE,
Clerk of the House of Assembly.	Speaker of the House of Assembly.

Houses of Parliament,
Cape Town,
17th September, 1919.

THE PARLIAMENT OF THE UNION OF SOUTH AFRICA.
JOINT ADDRESS TO HIS MAJESTY THE KING.
TO HIS MOST GRACIOUS MAJESTY
GEORGE V.

BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, KING, DEFENDER OF THE FAITH, EMPEROR OF INDIA.

WE, Your Majesty's most dutiful and loyal subjects, the President and Members of the Senate and the Speaker and Members of the House of Assembly of the Union of South Africa, in Parliament assembled, have agreed to the following Resolution:—

Whereas a Treaty of Peace was concluded at Versailles on the 28th June, 1919, between the Allied and Associated Powers and Germany and was duly signed by the Prime Minister and the Minister of Defence in their capacities as Plenipotentiaries for the Union of South Africa:

And whereas it is expedient that the said Treaty (copies of which have been laid upon the Tables of both Houses of Parliament U.G. 39-1919) should be ratified or ratifications thereof exchanged on behalf of the Union of South Africa:

The Parliament of the Union of South Africa resolves that a humble address be presented to His Majesty, praying that His Majesty may be graciously pleased to ratify and exchange ratification of the Treaty on behalf of the Union of South Africa.

And we humbly assure Your Majesty of our continued loyalty and devotion to Your Majesty's Throne and Person.

F. W. REITZ,	C. JOEL KRIGE,
President.	Speaker.

Passed the Senate this 12th day of September, One Thousand Nine Hundred and Nineteen.

O. CLOUGH,	Gys. R. HOFMEYR,
Clerk of the Senate.	Clerk of the House of Assembly.

Passed the House of Assembly this 10th day of September, One Thousand Nine Hundred and Nineteen.

58562

No. 238.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 596.)

MY LORD,

Downing Street, 10th November, 1919.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 764, of the 20th September,* forwarding a Joint Address to the King from both Houses of the Parliament of the Union of South Africa with reference to the ratification of the Treaty of Peace with Germany.

2. The Address has been laid before the King, who was pleased to receive it very graciously. His Majesty was glad to learn that the Parliament of the Union had agreed to the ratification of the Treaty, which he has now been pleased to ratify, and His Majesty has commanded that an expression of his thanks may be conveyed to the President and Members of the Senate and the Speaker and Members of the House of Assembly for their assurance of continued loyalty and devotion to His Majesty's Throne and Person.

I have, &c.,
MILNER.

70304

No. 239.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.5 p.m., 10th December, 1919.)

TELEGRAM.

[Answered by No. 240.]

10TH DECEMBER. My Prime Minister is most desirous to know few days in advance exact date on which ratification will be deposited by three of Allied Powers, and whether Proclamation of Peace will issue at that date and, if not, at what later date.—DEVONSHIRE.

71697

No. 240.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.15 p.m., 3rd January, 1920.)

TELEGRAM.

3RD JANUARY. Your telegram of 10th December,† deposit of ratifications. Treaty with Germany expected within next few days. As regards Proclamation, will reply as soon as possible.—SECRETARY OF STATE FOR THE COLONIES.

71697

No. 241.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 3.15 p.m., 3rd January, 1920.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

3RD JANUARY. Referring to last sentence of my telegram of 28th June,‡ deposit of ratifications Treaty with Germany expected within next few days.—SECRETARY OF STATE FOR THE COLONIES.

* No. 237. † No. 239. ‡ No. 198.

No. 242.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.42 p.m., 7th January, 1920.)

TELEGRAM.

[Answered by No. 246.]

7TH JANUARY. In view of impending ratification of Treaty with Germany, my Ministers have submitted draft of Proclamation which it is desired to issue here immediately I receive intimation that Treaty ratified. Proclamation after reciting deposit of ratification and date on which Treaty will come into force proclaims and declares (a) that the date on which Treaty of Peace between Allied and Associated Powers and Germany shall come into force and effect is date on which first *procès verbal* was drawn up in Paris, namely, blank day of January, 1919. [1920.] (b) That for the purpose of any act of Union Parliament wherein the termination or conclusion of the present War is referred to the said date shall be regarded as the date of the termination of the present War.

!(b) They have been inserted with reference particularly to the Amnesty Act and the Income Tax Act.

Government of Union of South Africa are very anxious that these, and especially the former, should take effect on the conclusion of peace with Germany and not to wait for the other Peace Treaties. Trust therefore there will be no objection to (b). Matter urgent.—BUXTON.

2073

No. 243.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Sent 12.30 p.m., 10th January, 1920.)

TELEGRAM.

[Answered by No. 247.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

10TH JANUARY. Very urgent. My telegram of 3rd January,* Treaty with Germany. *Procès verbal* of deposit of ratifications will be signed 4 o'clock to-day.—
SECRETARY OF STATE FOR THE COLONIES.

2073

No. 244.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Sent 8.30 p.m., 10th January, 1920.)

TELEGRAM.

[Answered by No. 247.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

10TH JANUARY. Matter most urgent. My telegram of 10th January,† Treaty with Germany. *Procès verbal* now signed.—SECRETARY OF STATE FOR THE COLONIES.

* Nos. 240 and 241.

† No. 243.

1876

No. 245.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Sent 12.45 p.m., 13th January, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

13TH JANUARY. [To Canada and Newfoundland only: Referring to my telegram of 3rd January,*] Referring to my telegrams 10th January,† in view of Proclamation of 1st July, 1919, see my telegram of 1st July,‡ not proposed to issue further Proclamation here regarding coming into force German Treaty. Also not intended at present issue Order in Council under section 1 (3) Termination of War (Definition) Act, 1918; see my despatch of 16th December, 1918, Dominions No. 721.§ —SECRETARY OF STATE FOR THE COLONIES.

1876

No. 246.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL

(Sent 12.45 p.m., 13th January, 1920.)

TELEGRAM.

13TH JANUARY. Your telegram 7th of January,|| termination of War; see my telegram of to-day.¶ In circumstances represented in your telegram, His Majesty's Government acquiesce in action which Union Government propose to take.—
SECRETARY OF STATE FOR THE COLONIES.

3999

No. 247.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 23rd January, 1920.)

(No. 9.)

Sir, Government House, St. John's, 14th January, 1920.

I HAVE the honour to acknowledge the receipt of your two telegrams of the 10th instant;† the first informing me that the *procès verbal* of deposit of ratifications of the Treaty with Germany would be signed at four o'clock on that day, and the second informing me that the *procès verbal* had been actually signed.

2. The first of these telegrams I at once communicated to the Press, and it was published the same day. The second reached me late at night. I at once telephoned to my Prime Minister, who seemed very gratified at hearing the news and suggested that he should inform the ministers of all churches so that the event might be referred to at the services on the following morning. This was doubtless done: certainly in the Cathedral, where I was present, the National Anthem was sung at the close of the service as marking the special announcement.

3. My Prime Minister has since conferred with me as to the propriety of telegraphing a special message of congratulation and loyalty to His Majesty on the occasion, but we both felt that it was perhaps hardly appropriate to do so. It is true that the signing of the Treaty with Germany is a matter for gratification; but

* Nos. 240 and 241.
enclosed copy of the Act.† Nos. 243 and 244.
|| No. 242.

‡ No. 100.

§ No. 245.

§ 61440; not printed: this

we felt that the general unrest everywhere, and the technical existence of a state of war with other nations, precluded the expression of any special rejoicing over this particular event.

4. Under the War Measures Act of 1914, 5 Geo. V, ch. 1, section 5, it will eventually become necessary for me to issue a Proclamation declaring that war no longer exists, but in the present circumstances, and in view of your telegram of yesterday,* received since I began this despatch, I conclude that no action should be taken in this matter pending further instructions from His Majesty's Government.

I have, &c.,
C. ALEXANDER HARRIS.

7912

No. 248.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 6.40 p.m., 11th February, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(Union of South Africa.)
(New Zealand.)
(Newfoundland.)

11TH FEBRUARY. My telegram 13th January.* Order in Council now issued, dated 9th February, under Termination of the Present War (Definition) Act, 1918, ordering that 10th January shall be treated as date of the termination of war between His Majesty and Germany.—SECRETARY OF STATE FOR THE COLONIES.

11890A

No. 249.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5th March, 1920.)

(No. 50.)
(Extract.)

MY LORD, Governor-General's Office, Pretoria, 4th February, 1920.

WITH reference to my telegram of the 7th January,† I have the honour to transmit three copies of a *Union Government Gazette* Extraordinary of the 14th January, containing Proclamation relative to:—

(a) The date of the coming into force of the Treaty of Peace with Germany.‡

I have, &c.,
BUXTON,
Governor-General.

* No. 245. † No. 242. ‡ Proclamation No. 6 of 1920.

GREECE.

(1). Commercial Arrangements.

1839

No. 250.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.)	} Dominions No. 92.)
(Commonwealth of Australia.)	
(New Zealand.)	
(Union of South Africa.)	
(Newfoundland.)	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 12th February, 1919.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of correspondence with the Greek Minister relative to the denunciation of commercial Conventions between the United Kingdom and Greece.

I have, &c.,
MILNER.

Enclosure 1 in No. 250.

(No. 4004.)

THE Greek Minister presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith a *Pro Memoria* relating to a point which has arisen in consequence of the abrogation of commercial Treaties with enemy Powers and the limitation of the operation of such Treaties with neutral Powers.

The Greek Government is anxious to ascertain the views of His Britannic Majesty's Government on this point, and Monsieur Gennadius would feel extremely obliged if it were duly considered, and a reply, to be transmitted to Athens, were furnished.

Greek Legation,
14, De Vere Gardens, W.8.
20th August, 1918.

PRO MEMORIA.

LA guerre ayant mis fin aux traités de commerce conclus avec les Puissances ennemis, le Gouvernement Hellénique voudrait savoir si le Gouvernement Britannique considère cette annulation comme ayant un effet général, si, en d'autres termes, elle affecte aussi les droits des tiers états, alliés et neutres, de manière que ces états ne puissent plus jouir des avantages stipulés dans les traités jadis en vigueur entre l'Angleterre et les Puissances ennemis et qui leur sont assurés par la clause de la nation la plus favorisée. D'une manière plus particulière, le Gouvernement Royal désire savoir si le Gouvernement Britannique applique aux provenances des Pays alliés et neutres, le tarif conventionnel prévu dans les traités conclus avec les Puissances ennemis et dont ces Pays bénéficiaient en vertu de la clause de la nation la plus favorisée.

Greek Legation,
14, De Vere Gardens, W.8.
le 20 Août, 1918.

Enclosure 2 in No. 250.

(No. 4597.)

PRO MEMORIA.

WITH a view to establishing in due course a uniform tariff, the Greek Government have denounced the commercial Treaties with Russia, France, and Italy. In regard to Italy there will be, meanwhile, a yearly renewal of the previous arrangement, and, in regard to France, a three months' prolongation has been agreed upon, renewable by common consent.

As the British Government proposes eventually to denounce its commercial Treaties the Greek Government desire to know whether and when the commercial Treaty with Greece will be denounced, or whether the British Government prefers that it be denounced by Greece, and in such case what *modus vivendi* would the British Government propose to establish between the two countries.

14, De Vere Gardens,
27th October, 1918.

(No. 203017/C/150.)

SIR, Foreign Office, S.W.1, 13th December, 1918

WITH reference to your note of 20th August last, No. 4004, submitting an inquiry on the part of the Greek Government in regard to the effect of the abrogation of commercial Treaties with enemy Powers, I have the honour to point out that, so far as tariffs are concerned, the particular point referred to in the memorandum of the Greek Government does not arise in the case of the United Kingdom.

2. It is, however, possible that other questions, such as shipping matters, personal rights, etc., might equally be affected by the abrogation of commercial Treaties with enemy Governments. So far as I am able to ascertain a similar question has not arisen hitherto, so that His Majesty's Government have not had occasion to consider it. Logically, it would certainly appear that a State cannot enjoy most-favoured-nation rights in a particular matter if there is no longer any most-favoured nation, and that therefore a neutral or Allied State cannot continue to claim most-favoured-nation privileges derived from a Treaty with an enemy Power which has been terminated by the outbreak of war.

3. On the other hand, whilst a third country has no claim as of right to adequate notice before Treaty rights derived from a convention with an enemy Power are allowed to lapse, His Majesty's Government are of opinion that Allied countries, at any rate, might not unreasonably expect to have some opportunity of concluding satisfactory arrangements before rights which they have hitherto enjoyed are denied to them.

4. I may add that the Japanese Government passed legislation early in the War to maintain until 31st March, 1915, in favour of countries entitled to most-favoured-nation treatment in Japan in the matter of customs tariffs, the reduced duties resulting from her commercial Treaty with Germany.

I have, &c.,
VICTOR WELLESLEY,
for the Secretary of State.

Monsieur J. Gennadius,
&c., &c., &c.

(No. 213215/C/119.)

SIR, Foreign Office, S.W.1, 4th January, 1919.
WITH reference to your note of 27th October last, I have the honour to state that His Majesty's Government have no intention at present of denouncing the commercial Conventions between this country and Greece.

2. I have the honour to add that, should the Greek Government desire to terminate the Conventions in question, careful consideration will be given to any proposals which may be submitted for a commercial *modus vivendi*.

I have, &c.,
VICTOR WELLESLEY,
for the Secretary of State.

Monsieur Demetrius Caclamano,
&c., &c., &c.

15947

No. 251.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 253 and 254.]

(Canada.	} Dominions No. 229.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 26th March, 1919.

WITH reference to my despatch of the 12th of February, Dominions No. 92,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a note from the Greek Minister stating that the Government of Greece have decided to denounce all commercial Conventions calculated to interfere with the application of the new commercial, industrial, maritime, and customs régime, under which it is the intention of Greece to place herself. A notice, dating from the 3rd of March, 1919, has accordingly been given to denounce the following Conventions affecting the British Empire, namely: the Treaty of Commerce and Navigation, 1886, the Commercial Agreement of 1890, and the Commercial Declaration of 1905.

2. It is presumed that the instrument referred to in the note as "the arrangement of 16th-28th November, 1890," is the Commercial Agreement of 28th March, 1890, as modified by the Declaration of the 16th June, 1890 (pages 459-463 in the printed collection of "Treaties, etc., of Commerce and Navigation between Great Britain and Foreign Powers wholly or partially in force on 31st December, 1912").

3. Your Ministers will observe that the Greek Minister states that the action of the Greek Government is not due to any spirit of exclusivism; on the contrary, the Greek Government is anxious to be free to develop her external arrangements in harmony with the new situation caused by the War.

4. Further, as it is impossible to replace these instruments immediately, and with the object of avoiding complete severance of continuity in the contractual relations with Greece and the British Empire, the Greek Government proposes that the instruments should be prolonged until it is possible to negotiate new Conventions, and accordingly suggests that when the period of formal notice has lapsed they might be tacitly prolonged, subject to three months' notice.

[To New Zealand, Union of South Africa, and Newfoundland only: 5. If your Ministers have any observations to make on this latter point I should be glad to receive them.]

I have, &c.,
MILNER.

Enclosure in No. 251.

(No. 599.)

My LORD, Légation de Grèce,
25, Knightsbridge, S.W.1, 3rd March, 1919.

CONSEQUENT to a decision arrived at by a Ministerial Council the Hellenic Government, considering all commercial Conventions and other agreements with enemy countries as determined by the War, have decided to denounce, generally, all Conventions of this nature which constitute the statute of Hellenic economic relations with Allied and neutral countries.

This decision expressly aims at all commercial Conventions containing the most-favoured-nation clause, those consolidating tariffs, as well as Treaties and Conventions relating to commercial navigation, the regulation of customs, the rules relating to commercial travellers, the exercise of commerce and of industry, and, in general, at every agreement of a character calculated to interfere with the application of the new commercial, industrial, maritime, and customs statute under which it is the intention of Greece to place herself.

This decision affects not only commercial and customs Conventions properly so called, but also affects Treaties relating to establishment and Consular Conventions concluded by the Royal Government by reason of the stipulations of economic import therein contained.

In bringing the foregoing to the knowledge of Your Lordship my Government charged me to inform you that it is not due to a spirit of exclusivism that Greece has taken up this position; on the contrary, she is anxious to be free to bring the regulation of her external relations into conformity with the development which she proposes to give them in harmony with the new situation caused by the War.

But, as it would be impossible to replace these instruments immediately, and with the object of avoiding a complete severance of continuity in the contractual relations existing between Greece and Great Britain, the Royal Government propose to the Britannic Government a prolongation of these instruments up to the moment when Peace is signed, and its terms known, it will be possible to negotiate new Conventions in accordance with the wish of the Hellenic Government to see international relations developed.

Such being the case, the Royal Government think that the Conventions aimed at by the present communication, the period of notice contained in them having lapsed, might be tacitly prolonged from three months to three months.

I should add, for the information of Your Lordship, that this proposal has been equally made by the Hellenic Government to the other foreign Governments with which it had concluded agreements of a similar nature.

Consequently, I have the honour, by the order of my Government, to bring to the knowledge of Your Lordship that the Treaty of Commerce and Navigation of the 29th of October and 10th November, 1886, the arrangement of the 16th-28th November, 1890, as well as the Supplementary Declaration of the 4th-17th May, 1905, will cease to be in force twelve months from the date of the present notification, which, coming into effect on the 3rd March, 1920, will date from to-day—3rd March, 1919.

I have also the honour to request Your Lordship to be good enough to bring the foregoing to the knowledge of the Governments or authorities of such Dominions, Colonies, Protectorates, and Dependencies of the British Empire as may have adhered to the above-mentioned Treaty of Commerce and to the arrangement in question.

I have, &c.,

D. CACLAMANOS.

Right Honourable

The Earl Curzon of Kedleston,

Secretary of State for Foreign Affairs.

&c., &c., &c.

Foreign Office, S.W.1.

35324

No. 252.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 516.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th June, 1919.

With reference to my despatch Dominions No. 229, of the 26th of March.* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a note to the Greek Minister regarding the denunciation of the existing commercial treaties with Greece, together with copies of an extract from the *London Gazette* of the 17th of June containing a notice on the subject.

I have, &c.,

MILNER.

* No. 251.

Enclosure 1 in No. 252.

(No. 81499/C/119.)

SIR,

Foreign Office, S.W.1, 11th June, 1919.

I HAVE the honour to inform you that His Majesty's Government have taken note of the intimation conveyed in your note No. 599, of 3rd March, of the intention of the Greek Government to denounce, as from that date, all commercial agreements with the British Empire, viz.:—

Treaty of Commerce and Navigation, 10th November, 1886.

Commercial Agreement, 28th March, 1890.

Declaration, correcting error in Annex to Commercial Agreement, 28th March, 1890, 16th June, 1890.

Declaration, Commercial Matters, modifying previous Agreements, 23rd November, 1904.

Supplementary Declaration, amending Annex to Declaration, 23rd November, 1904, 17th May, 1905.

These treaty instruments will terminate accordingly on 3rd March, 1920.

2. I have the honour to state that His Majesty's Government concur in the proposal of the Greek Government that, failing three months' notice, these instruments should be tacitly renewed for successive periods of three months.

I have, &c.,

VICTOR WELLESLEY.

Monsieur Demetrius Caclamanos,

&c., &c., &c.

Enclosure 2 in No. 252.

EXTRACT FROM THE "LONDON GAZETTE," 17TH JUNE, 1919.

Foreign Office, 16th June, 1919.

His Majesty's Secretary of State for Foreign Affairs has received from the Greek Minister in London a communication, dated 3rd March, 1919, giving notice of denunciation by the Greek Government, as from that date, of the following treaty, agreement, and declarations, regulating the commercial relations between Great Britain and Greece, which provide for termination a year after notice of denunciation shall have been given by either of the high contracting parties:—

Treaty of Commerce and Navigation, 10th November, 1886.

Commercial Agreement, 28th March, 1890.

Declaration, correcting error in Annex to Commercial Agreement, 28th March, 1890, 16th June, 1890.

Declaration, Commercial Matters, modifying previous Agreements, 23rd November, 1904.

Supplementary Declaration, amending Annex to Declaration, 23rd November, 1904, 17th May, 1905.

These treaty instruments will accordingly terminate on 3rd March, 1920.

2. In giving notice of the denunciation of the above Conventions the Greek Government intimate their readiness to renew the above-mentioned Conventions tacitly for successive periods of three months, so that, failing three months' final notice being given on 3rd March, 1920, they will remain in force until 3rd June, 1920, and failing notice on this last date named they will remain in force until 3rd September, 1920, and so forth. This proposal has been accepted by His Majesty's Government.

50345

No. 253.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30th August, 1919.)

(No. 629.)

MY LORD,

Governor-General's Office, Pretoria, 25th July, 1919.

I HAVE the honour to transmit to Your Lordship herewith, with reference to Your Lordship's despatch Dominions No. 229, of the 26th March,* a copy of a

* No. 251.

minute, dated 23rd July, 1919, from Ministers, on the subject of the denunciation of commercial conventions between the United Kingdom and Greece.

I have, &c.,
BUNTON,
Governor-General.

Enclosure in No. 253.

(I.P. 61/54/19.)

MINUTE No. 1155.

Prime Minister's Office, Pretoria, 23rd July, 1919.

MINISTERS have the honour to acknowledge receipt of His Excellency the Governor-General's minute No. 62/1138, of the 26th of April last, on the subject of the denunciation of commercial conventions between the United Kingdom and Greece, the contents of which have been noted.

Trade relations between the Union and Greece at the present time are of practically no importance. The importations from Greece during 1918 amounted to only £1,994.

T. ORR.

59812

No. 254.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th October, 1919.)

(No. 145.)

My LORD, Government House, Wellington, 19th August, 1919.
With reference to your despatch Dominions No. 229, of the 26th of March,* on the subject of commercial treaties with Greece, I have the honour to inform Your Lordship that my Government do not desire to make any observations on this matter, and are prepared to acquiesce in any action which may be taken by His Majesty's Government.

I have, &c.,
LIVERPOOL,
Governor-General.

(2). Treaty of 10th August, 1920.
(Treaty Series, 1920, No. 13.)

43204

No. 255.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 395.)

[My LORD DUKE,] [My LORD,] [SIR,] Downing Street, 11th September, 1920.
I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, [copies] [a copy] of a Treaty† signed at Sèvres on the 10th August, 1920, between the British Empire, France, Italy, and Japan on the one hand, and Greece on the other hand.

I have, &c.,
MILNER.

* No. 251.

† Published as Treaty Series, 1920, No. 13.

(3). Treaty of 10th August, 1920 (Thrace.)
(Treaty Series, 1921, No. 13.)

43203

No. 256.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 393.)

[My LORD DUKE,] [My LORD,] [SIR,] Downing Street, 11th September, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, [copies] [a copy] of a Treaty* relative to Thrace, signed at Sèvres, on the 10th August, 1920, between the British Empire, France, Italy, and Japan of the one part, and Greece of the other part.

I have, &c.,
MILNER.

HUNGARY.

Treaty of Peace (Trianon).
(Treaty Series, 1920, No. 10.)

36500

No. 257.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 304.)

[SIR,] [My LORD,] Downing Street, 28th July, 1920.

I HAVE the honour to transmit to [you,] [Your Excellency,] for the information of your Ministers, a copy of the Treaty of Peace between the Allied and Associated Powers and Hungary, Protocol and Declaration, signed at Trianon, 4th June, 1920.†

I have, &c.,
MILNER.

56492

No. 258.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.50 p.m., 18th November, 1920.)

TELEGRAM.

[Answered by Nos. 259, 260, 261, and 262.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

18TH NOVEMBER. My despatch 29th July,† Treaty 24. Hungarian Treaty ratified by Hungarian National Assembly 13th November. Should be glad to know, as soon as possible, by telegraph, whether your Ministers agree to ratification by His Majesty the King.—MILNER.

* Published as Treaty Series, 1921, No. 13.

† Published as Treaty Series, 1920, No. 10.

‡ 35000: not printed; this transmitted a certified copy of the Treaty.

57254

No. 259.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 a.m., 20th November, 1920.)

TELEGRAM.

20TH NOVEMBER. Your telegram 18th November,* Government of Commonwealth of Australia agrees to ratification of Hungarian Treaty by His Majesty the King.—FORSTER.

57779

No. 260.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.25 a.m., 24th November, 1920.)

TELEGRAM.

20th NOVEMBER. Your telegram, 18th November,* Government of New Zealand approves of the ratification by His Majesty the King of the Hungarian Treaty.—JELlicoe.

57896

No. 261.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.30 a.m., 25th November, 1920.)

TELEGRAM.

23RD NOVEMBER. Your telegram 18th November,* Hungarian Treaty; my Ministers agree to ratification by His Majesty the King.—ARTHUR FREDERICK.

59548

No. 262.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.50 a.m., 4th December, 1920.)

TELEGRAM.

3RD DECEMBER. From my Prime Minister: Government of Canada has no objection to ratification of Hungarian Treaty by His Majesty the King.—DEVONSHIRE.

* No. 258.

INTERNATIONAL SANITARY CONVENTION, 1912.

(Treaty Series, 1921, No. 2.)

55862

No. 263.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada. No. 706.)

(Commonwealth of Australia. No. 507.)

(New Zealand. No. 253.)

(Union of South Africa. No. 476.)

(Newfoundland. No. 151.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 30th November, 1920.

WITH reference to [His Royal Highness The Duke of Connaught's despatch No. 402, of the 6th of July, 1912,*] [Lord Denman's despatch No. 243, of the 30th of October, 1912,* and Mr. (now Viscount) Harcourt's despatch No. 228, of the 11th of April, 1913,*] [Lord Liverpool's despatch No. 56, of the 23rd of April, 1913,*] [Lord Gladstone's despatch No. 517, of the 17th of July, 1913,*] [Sir Walter Davidson's despatch No. 68, of the 5th of May, 1913,*] and connected correspondence relative to the International Sanitary Convention signed at Paris, on 17th January, 1912, I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, copy of correspondence with His Majesty's Ambassador at Paris, together with a copy of the procès verbal of the deposit of ratifications of the above Convention.

2. I should be glad to learn whether, in regard to the [non-adherence of Canada to] [adherence of Commonwealth of Australia to] [adherence of New Zealand to] [non-adherence of the Union of South Africa to] [adherence of Newfoundland to] the Convention the views of your Ministers remain the same as in [1912] [1913.]

I have, etc.,

MILNER.

Enclosure 1 in No. 263.

(No. 2431.)

MY LORD,

British Embassy, Paris, 30th July, 1920.

ON the receipt of Your Lordship's despatch No. 2291, of 6th July, relative to the deposit of His Majesty The King's ratification of the Sanitary Convention of 1912, I inquired of the President of the Council, Minister for Foreign Affairs, on what date it would be convenient for His Excellency to receive me for the purpose of depositing the ratification with the French Government.

I have the honour to inform Your Lordship that I have received a reply from the Ministry for Foreign Affairs stating that the deposit of ratifications will take place at the Ministry for Foreign Affairs on 7th October, 1920, at 4 p.m. The Ministry for Foreign Affairs also communicated to me a draft of the procès verbal recording the deposit of ratifications, copy of which is enclosed herein.†

I have, etc.,

(For the Ambassador),

G. GRAHAME.

The Right Honourable

Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

* Not printed (see paragraph 2 of despatch).

† Not printed in view of the subsequent correspondence and the procès verbal as finally settled (published with text of Convention in Treaty Series, 1921, No. 2).

Enclosure 2 in No. 263.

(No. 2902.)

SIR,

Foreign Office, S.W.1, 26th August, 1920.

IN Sir George Grahame's despatch No. 2431, of the 30th ultimo, he transmitted the draft procès verbal of the deposit of the ratifications of the International Sanitary Convention of 1912.

2. In the instrument of ratification on behalf of His Majesty's Government sent to Paris in 1913, the explicit statement was made that His Majesty's ratification was "subject to the reservations expressed in the declaration made by our principal plenipotentiary as set forth in the protocol of signature." These reservations were to the effect that the stipulations of the Convention were not applicable to any of the Colonies, Possessions, or Protectorates of His Britannic Majesty or to India. Each of these possessed the right to adhere to the Convention and to withdraw from it separately.

3. You should therefore suggest to the French Government that the terms of these reservations should be shown in the draft procès verbal in order that the position in which His Majesty's Government stand with regard to the Convention may be clearly known to the other signatory Powers.

I am, etc.,
(For the Secretary of State),
ERIC PHIPPS.

N. Henderson, Esq.,
&c., &c., &c.

Enclosure 3 in No. 263.

(No. 3285.)

MY LORD,

Paris, 31st October, 1920.

WITH reference to your despatches Nos. 2902, of 26th August, 1920, and 3302, of 5th October, 1920, I transmit to Your Lordship herewith two certified copies of the procès verbal of deposit of ratifications of the International Sanitary Convention of 17th January, 1912.*

I have the honour to inform Your Lordship that I deposited the King's and the Sultan of Egypt's ratifications on 7th October.

I have, etc.,
DERBY.

The Right Honourable
Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

JAPAN.
Anglo-Japanese Alliance.

20386/S

No. 264.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.40 p.m., 21st April, 1920.)

TELEGRAM.

[Answered by No. 265.]

(Paraphrase.)

SECRET. Commonwealth Government would be glad to be informed as to whether any conversations or negotiations in regard to the modification, termination, or extension of the Anglo-Japanese Alliance have taken place. Commonwealth Government desires an opportunity of discussing the Alliance, not only as it may

* Not printed: published with Convention in Treaty Series, 1921, No. 2.

affect questions which are now pending between Japan and Australia, but also as it may affect the general situation in the Far East, and in particular its bearing upon racial equality, amendment of Covenant; and it would be glad to be kept fully informed of any conversations or negotiations that may occur, so that a statement of the Australian point of view may be made to His Majesty's Government.—FERGUSON.

21937

No. 265.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 3rd May, 1920.)

TELEGRAM.

YOUR telegram 21st April,* Anglo-Japanese Alliance. No conversations nor negotiations have yet taken place with Japanese Government, but matter is naturally engaging attention of His Majesty's Government. Your Prime Minister will be kept fully informed of any steps that may be taken. His Majesty's Government would welcome statement of Australian point of view. Certain confidential memoranda on question are being sent to you, and any similar memoranda which may be prepared will also be forwarded.—MILNER.

20854/S

No. 266.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	|	Dominions, Secret, No. 197.)
(Commonwealth of Australia.		
(New Zealand.		
(Union of South Africa.		
(Newfoundland.		

[MY LORD,] [SIR,]

Downing Street, 10th May, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the following documents† on the subject of the Anglo-Japanese Alliance:—

- (a) Memorandum by Legal Adviser to Foreign Office on the Alliance as affected by the Covenant of the League of Nations (dated 18th February, 1920).
- (b) Foreign Office memorandum on the effect of the Alliance upon Foreign Relationship (dated 28th February, 1920).
- (c) Minutes received from His Majesty's Embassy at Tokio on the Alliance and Constitutional Changes in Japan (dated 23-29th March, 1920).

I have, &c.,

MILNER.

30430/S

No. 267.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 6.20 p.m., 24th June, 1920.)

TELEGRAM.

[Answered by Nos. 268, 269, 271, and 272.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Paraphrase.)

24TH JUNE. Secret. With reference to my despatch Dominions No. 197, Secret, of 10th of May,‡ and other communications regarding renewal Anglo-Japanese Alliance, following is text of declaration which it is proposed by Japanese

* No. 264.

† See Foreign Office Japan Volume XX (1920) pp. 10, 11, and 20.

‡ No. 266.

Government and His Majesty's Government to address to League of Nations. [*Begins*: Governments of Great Britain and Japan have come to conclusion that, though in harmony with spirit of Covenant League Nations, Anglo-Japanese Agreement of 13th July, 1911, now existing between their two countries is not entirely consistent with letter of that Covenant which both Governments earnestly desire to respect.

Accordingly, they have honour jointly to inform League that they recognize the principle that if the said Agreement be continued after July, 1921, it must be in a form which is not inconsistent with that Covenant. *Ends.*]

This declaration your Ministers will observe does not commit us to renew Alliance in this or any other form. It was His Majesty's Government's intention to bring the whole question of the renewal of the Alliance before British Empire Delegation (see my telegram of 12th May*), but this procedure not now practicable owing to non-representation of Australia and South Africa.

Notice must be given before 13th July next in view of terms of paragraph 2 of Article 20, Covenant League of Nations, and Article 6 of Anglo-Japanese Agreement of 1911.—MILNER.

32038

No. 268.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8 p.m., 29th June, 1920.)

TELEGRAM.

(Paraphrase.)

29TH JUNE. Secret. No objection is seen by the Canadian Government to the course of action proposed in your secret telegram of 24th June,† respecting Anglo-Japanese alliance.—DEVONSHIRE.

32202/S

No. 269.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.35 a.m., 1st July, 1920.)

TELEGRAM.

[Answered by No. 270.]

(Paraphrase.)

30TH JUNE. It is not clear whether the notice mentioned in the last paragraph of your telegram of 24th June‡ refers to the proposed declaration addressed to the League of Nations, the text of which is given in your telegram, or to a notice which is required to be given before 15th July abrogating or renewing the existing agreement. We have no copy of the Anglo-Japanese Agreement of 1911.—BUXTON.

32202/S

No. 270.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.50 p.m., 1st July, 1920.)

TELEGRAM.

[Answered by No. 271.]

1ST JULY. Your telegram 30th June;‡ notice in last paragraph of my telegram of 24th June‡ is declaration text of which is given. For Agreement of 1911 see my despatch No. 343, 21st July, 1911.§—MILNER.

* This referred to a proposal that the British Empire Delegation should meet before the International Conference at Spa. † No. 267. ‡ No. 269. § No. 326 in Dominions No. 39.

33324

No. 271.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.30 p.m., 6th July, 1920.)

TELEGRAM.

6TH JULY. Your telegram, 1st July,* Anglo-Japanese Alliance. Terms of proposed Declaration are in accordance with views of my Prime Minister. Much obliged for reference in last sentence of your telegram. Old papers were with records at Pretoria.—BUXTON.

39618

No. 272.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.43 p.m., 10th August, 1920.)

TELEGRAM.

(Paraphrase.)

REFERRING to your telegram 24th June,† as to Anglo-Japanese Alliance, statement of views of Commonwealth Government postponed pending meeting of assembly of League of Nations, November.—GOVERNOR-GENERAL.

40667

No. 273.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 359.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 23rd August, 1920.

WITH reference to previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a letter sent to the League of Nations by the Secretary of State for Foreign Affairs containing a joint communication from the Governments of Great Britain and Japan as to the Anglo-Japanese Agreement of 1911.

I have, &c.,

MILNER.

Enclosure in No. 273.

FOREIGN OFFICE to LEAGUE OF NATIONS.

SIR,

Foreign Office, 8th July, 1920.

I AM directed by Earl Curzon of Kedleston to transmit to you, herewith, to be laid before the Council of the League of Nations, a joint communication from the Governments of Great Britain and Japan to the effect that if the Anglo-Japanese Agreement of the 13th July, 1911, be continued after the 13th July, 1921, it must be in a form which is not inconsistent with the Covenant of the League of Nations.

I am, &c.,

V. WELLESLEY.

* No. 270. † No. 267.

Spa, 8th July, 1920.

THE Governments of Great Britain and Japan have come to the conclusion that the Anglo-Japanese Agreement of the 13th July, 1911, now existing between the two countries, though in harmony with the spirit of the Covenant of the League of Nations, is not entirely consistent with the letter of that Covenant, which both Governments earnestly desire to respect. They accordingly have the honour, jointly, to inform the League that they recognize the principle that if the said Agreement be continued after July, 1921, it must be in a form which is not inconsistent with that Covenant.

CURZON OF KEDLESTON.
CHINDA.

42185

No. 274.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Secret.)
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[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 3rd September, 1920.
WITH reference to my despatch No. 359, of the 23rd August,* I have the honour to transmit to [Your Excellency,] [you,] for the confidential information of your Ministers, the accompanying copies of correspondence† regarding the renewal of the Anglo-Japanese Alliance of 1911.

I have, &c.,
MILNER.

45333

No. 275.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions, Secret, No. 410.)
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[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 23rd September, 1920.
WITH reference to my Secret despatch of the 3rd September,‡ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of an interpellation and reply in the Japanese Diet§ relative to the Anglo-Japanese Alliance.

I have, &c.,
MILNER.

* No. 273. † From Sir C. Elliot, 17th June and 7th June: Foreign Office Japan Volume XX (1920) pp. 45 and 43. ‡ No. 274. § Foreign Office Japan Volume XX (1920) p. 24a.

52728

No. 276.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions, No. 451, Secret.)
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[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 29th October, 1920.
WITH reference to my Secret despatch Dominions No. 410, of the 23rd of September,* and previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a memorandum† by Sir B. Alston, His Majesty's Minister at Peking, containing suggestions for an Anglo-Saxon policy for the Far East.

2. It will be realized that this memorandum is of a highly confidential nature, and that its existence should be kept strictly secret.

3. I enclose a copy of a despatch‡ from Peking forwarding a translation of an open letter to Sir B. Alston, which appeared in a Peking newspaper, on the subject of the renewal of the Anglo-Japanese Alliance.

I have, &c.,
MILNER.

LEAGUE OF NATIONS.
Registration of Treaties.

55668

No. 277.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 773. Confidential.)
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[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 8th October, 1919.
I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of correspondence relating to the interpretation of Article 18 of the Treaty of Peace with Germany.

I have, &c.,
MILNER.

Enclosure 1 in No. 277.

(No. 5736.)

SIR, Foreign Office, S.W.1., 29th August, 1919.
DOUBT having arisen as to the precise intention of Article 18 of the Treaty of Peace—Covenant of the League of Nations—I have the honour to transmit to you a memorandum on the subject, and shall be glad to be favoured with your observations on the points mentioned therein.

I have, &c.,
J. A. C. TILLEY
(for Earl Curzon of Kedleston).

The Right Honourable
A. J. Balfour, O.M., M.P.,
&c., &c., &c.

* No. 275. † Foreign Office Japan Volume XX (1920) p. 52. ‡ Foreign Office Japan Volume XX (1920) p. 91.

MEMORANDUM.

1. ARTICLE 18 of the Treaty of Peace—Covenant of the League of Nations—prescribes that no treaty entered into hereafter by any member of the League shall be binding until it has been registered with the Secretariat. Some doubt is felt as to the precise meaning of this stipulation.

2. In the case of treaties entered into by the United Kingdom in the past the ordinary rule has applied that such treaties become binding as and from the date of signature or exchange of ratifications (if the latter is provided for), save in such instances as the treaty itself has prescribed a date for its entry into operation.

3. The question has now arisen in the case of certain treaties between this country and Peru, Brazil, and Chile for the establishment of Peace Commissions. These treaties, which respectively provide that they shall take effect from the date on which ratifications are exchanged, have been signed, but are not yet ratified, and it appears unlikely that the latter formality will be completed until after the deposit of the British ratification of the Treaty of Peace, and, consequently, until after Article 18 of that treaty becomes operative.

4. The following questions arise, generally:—

(a) Is the prescription of Article 18 to be regarded as governing for all purposes the entry into force of treaties hereafter concluded by members of the League? or

(b) Is the prescription in question only a necessary formality, on completion of which the treaty reverts to the ordinary rule that it is operative as and from date of signature or exchange of ratifications (if the latter is provided for), or from a date named in the treaty itself?

5. If the answer to (a) is in the affirmative, the further questions arise:—

(c) Is Article 18 applicable to such treaties as those mentioned in paragraph 3 above which have already been signed, but await ratification, and which prescribe that they shall enter into force as and from the date of ratification?

(d) Can treaties hereafter signed be registered with the Secretariat after signature but before ratification, in order to avoid delay in their entry into force on completion of the latter formality?

(e) It is presumed that States which sign a treaty may, if they so agree, choose to observe its stipulations prior to registration of the treaty with the Secretariat, although during such interval these stipulations would not be actually binding upon them.

6. While in some cases the points raised might not be material, in others they may be of consequence, e.g., in a treaty where political concessions were given on one side for commercial advantages on the other—an early date for the latter might be important; for the former immaterial. So in concrete matters under treaties of commerce, extradition, etc., disputes might arise between the parties as to the precise date of operations, according as advantage lay with one or other side. It seems desirable, therefore, that a clear understanding should exist at the outset as to the intention of Article 18 of the Covenant of the League of Nations.

Foreign Office,
20th August, 1919.

Enclosure 2 in No. 277.

(No. 1805.)

MY LORD,

12th September, 1919.

IN reply to Your Lordship's despatch No. 5736, of the 29th ultimo, relative to the interpretation of Article 18 of the Treaty of Peace, I have the honour to observe that, in my judgment, Article 18 of the Covenant of the League of Nations refers only to treaties or engagements entered into "hereafter" by the members of the League. Treaties or engagements signed before the coming into force of the German Treaty of Peace are therefore excluded from its operation. The difficulties referred to in the memorandum enclosed in your despatch in connexion with the treaties entered into with Peru, Brazil, and Chile will not, therefore, arise.

2. In regard to the general question of principle as to the position of a treaty which falls within Article 18, and which is expressed by its own terms as coming into force on the exchange of ratifications, I am of opinion that the effect of registration with the League of Nations will be to make such treaties operative as from the moment of ratification, i.e., registration with the League is a necessary formality, on the completion of which full effect will be given to the will of the parties as expressed in the treaty, and if the treaty is expressed as coming into force on ratification it will be regarded as having been in force from that date.

I have, &c.,

CHARLES TUFTON
(for Mr. Balfour).

LIQUOR TRAFFIC CONVENTION.

(Treaty Series, 1919, No. 19.)

48202

No. 278.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5 p.m., 27th August, 1919.)

TELEGRAM.

[Answered by Nos. 280 and 281.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Extract.)

27TH AUGUST. General peace settlement will probably include Convention relating to liquor traffic in Africa. In accordance with precedent adopted in regard to Polish Treaty, etc., proposed that this Convention, as part of general settlement, should be entered into in name of British Empire, and should be signed by representatives of Dominions and India. Negotiation of Arms and Liquor Conventions began before Dominion representatives left Paris. . . . As to Liquor Convention this subjects liquor traffic throughout Africa other than Algeria, Tunis, Morocco, Lybia, Egypt, and Union of South Africa to rigorous control, prohibits importation of trade spirits, prescribes minimum import duties on other spirits, prohibits local manufacture of distilled beverages except in Italian Colonies.

Similar telegrams sent to other Dominions.—MILNER.

48202

No. 279.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.55 p.m., 28th August, 1919.)

TELEGRAM.

(Extract.)

28TH AUGUST. My telegram of 27th August.* As Liquor Convention will apply to South West Africa, think it desirable to let your Ministers see text of draft. Begins: [Text of draft Convention not printed here.]—MILNER.

* No. 278.

52069

No. 280.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.47 p.m., 8th September, 1919.)

TELEGRAM.

YOUR telegram, 27th August.* My Ministers agree to Convention being entered in name of British Empire, and to leave to Imperial Government the determination of all matters referred to.—LIVERPOOL.

59348A

No. 281.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 16th October, 1919.)

TELEGRAM.

(Extract.)

15TH OCTOBER. Your telegram 27th August.* Government of Canada approves of subsidiary Convention relating to liquor traffic in Africa, and has authorized Sir George Perley to sign for, and in name of, King, all necessary documents in respect of execution of this Convention on behalf of Dominion of Canada.—DEVONSHIRE.

58341

No. 282.*

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.49 p.m., 23rd October, 1919.)

TELEGRAM.

23RD OCTOBER. My telegram of 28th August,† Liquor Convention. Following is English translation of Protocol to Convention signed September 10th:—*Begins:* At moment of signing Convention of even date relating to Liquor Traffic Africa, undersigned Plenipotentiaries declare in name of their respective Governments that they would regard it as contrary to intention of High Contracting Parties and to spirit of this Convention that pending coming into force of Convention a contracting party should adopt any measure contrary to its provisions. *Ends.* Copies of Convention and Protocol being sent by mail.—MILNER.

65544

No. 283.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Answered by Nos. 284, 285, 286, and 287.]

(Canada. No. 539.)

(Commonwealth of Australia. No. 416.)

(New Zealand. No. 197.)

(Union of South Africa. No. 599.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 12th November, 1919.

With reference to my despatch Dominions No. 804, of the 29th October,‡ and previous correspondence, I have the honour to request Your Excellency to inform

* No. 278. † No. 279. ‡ 58341: not printed: This forwarded copies of the Convention, which is published as Treaty Series, 1919, No. 19.

your Ministers [*To Union of South Africa only:* that His Majesty's Government would be glad to be informed as soon as possible by telegraph whether they see any objection to ratification by His Majesty of the Convention regarding the Liquor Traffic in Africa, with Protocol, signed at St. Germain on 10th September, 1919.] [*To Canada, Australia, and New Zealand:* that, unless they see any objection, His Majesty will be advised in due course to ratify the Convention regarding the Liquor Traffic in Africa, with Protocol, signed at St. Germain on 10th September, 1919.]

I have, &c.,

MILNER.

70306A

No. 284.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.0 p.m., 10th December, 1919.)

TELEGRAM.

(Extract.)

10TH DECEMBER. Your despatch 12th November, No. 599*. . . Ministers see no objection to ratification of Convention referred to.—BUXTON.

70544

No. 285.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 p.m., 11th December, 1919.)

TELEGRAM.

11TH DECEMBER. Your despatch 12th November, No. 539,* Convention regarding liquor traffic in Africa. Order in Council passed 9th December authorizing ratification of Treaty on behalf of Canada. Despatch follows by mail.—DEVONSHIRE

2987

No. 286.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 a.m., 17th January, 1920.)

TELEGRAM.

17TH JANUARY. Your despatch 12th November, No. 197.* My Ministers see no objection to ratification of Convention regarding liquor traffic in Africa.—LIVERPOOL.

10863

No. 287.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.35 p.m., 28th February, 1920.)

TELEGRAM.

28TH FEBRUARY. Your despatch 12th November, 1919, No. 416,* Liquor Traffic Convention, Government of Commonwealth of Australia, sees no objection to ratification.—MUNRO FERGUSON.

* No. 283.

38864

No. 288.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

} Dominions No. 336.)

[SIR,] [MY LORD,] [MY LORD DUKE,] Downing Street, 12th August, 1920.

WITH reference to my despatch Dominions No. 6 of the 5th of January,* and connected correspondence on the subject of the Convention relating to the Liquor Traffic in Africa, and Protocol, signed at St. Germain, on 10th September, 1919, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Embassy at Paris regarding the deposit of instruments of ratification by His Majesty's Government and the Government of Belgium.

I have, &c.,
MILNER.

Enclosure in No. 288.

(No. 2440.)

MY LORD, British Embassy, Paris, 31st July, 1920.

WITH reference to Your Lordship's despatch No. 2242 of 1st July, regarding the ratification of the Convention and Protocol relative to the Liquor Traffic in Africa, I have the honour to state that I caused immediate inquiries to be made of the Protocol Department at the Ministry for Foreign Affairs, who stated that it would be irregular to draw up the Procès Verbal of deposit of ratification for one Power only, and proposed that we should wait until the representative of at least one other signatory Power was also ready to deposit his ratification.

As the Belgian Ambassador recently notified the Protocol Department that he was also ready to deposit his Government's ratification of the Convention, I was able to-day to deposit the King's instrument of ratification in due form, and sign the Procès Verbal of deposit thereof.

I have, &c.,
(For the Ambassador),
GEORGE GRAHAME.

The Right Honourable
The Earl Curzon of Kedleston, K.G., P.C.,
&c., &c., &c.

MINOR TREATIES ARISING OUT OF THE PEACE SETTLEMENT.

Signature on behalf of the Dominions.

32655A

No. 289.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.0 p.m., 6th July, 1920.)

TELEGRAM.

[Answered by Nos. 290, 291, 292, and 293.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Paraphrase.)

6TH JULY. Minor treaties, conventions, etc., arising out of Peace settlement, which require signature on behalf of Dominions, have been drawn up at Paris

* 58941: not printed. This forwarded copies of the Convention as published.

149

on various occasions recently, and several others are pending, e.g., one as to Bessarabia. It is difficult to forecast exactly when such treaties, etc., will be ready for signature, but on account of political considerations involved strong pressure is often exercised to bring about signature at short notice, see for example my telegram of 29th June,* Schleswig. It has been suggested that it would be of convenience and also save time if Dominion Governments were willing to give His Majesty's Ambassador at Paris a general authorization to sign any minor treaties, conventions, etc., on their behalf. Lord Derby already has full powers to sign all treaties, etc., arising out of Peace Conference on behalf of India. Please telegraph your Ministers' views. It would be understood, of course, that if suggestion acceptable Dominion Governments would continue to be informed of nature of documents to be signed in advance, so that in any case where they so desired they would have opportunity of arranging for special signature on their behalf. Similar telegram sent to other Dominions.—MILNER.

33578

No. 290.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 8th July, 1920.)

TELEGRAM.

(Paraphrase.)

7TH JULY. Secret. With reference to your telegram of 6th July,† respecting the signature of minor conventions and treaties arising out of the Peace settlement, an Order in Council will be passed appointing Sir George Perley for the purpose, and conferring upon His Majesty's Ambassador at Paris authority to sign in the absence of Perley on behalf of Canada. Please inform High Commissioner for Canada of your telegram of yesterday and of this reply so that he may be fully advised on the situation.—DEVONSHIRE.

34138

No. 291.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 8.10 a.m., 11th July, 1920.)

TELEGRAM.

(Paraphrase.)

10TH JULY. Your telegram 6th July,† regarding the signature of minor treaties, conventions, etc. My Ministers have no objection to general authorization of His Majesty's Ambassador at Paris to sign, as proposed, on behalf of Union.—BUXTON.

34711

No. 292.

NEW ZEALAND.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 1.5 p.m. 15th July, 1920.)

TELEGRAM.

15TH JULY. Your telegram 6th July:† my Ministers would be glad if His Majesty's Ambassador at Paris would sign on behalf of Government of New Zealand any minor Treaties, Conventions, and other documents of a similar kind to which signature on behalf of New Zealand is required.—STOUT.

* No. 372. † No. 289.

35588

No. 293.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.12 a.m., 20th July, 1920.)

TELEGRAM.

20TH JULY. Your telegram 6th July,* signing of minor treaties. Commonwealth Government is desirous that these treaties, conventions, etc., etc., be signed by High Commissioner on behalf of Australia, and that in all matters of importance Commonwealth Government be afforded opportunity of expressing opinion before treaties submitted to High Commissioner for signature.—MUNRO FERGUSON.

MOROCCO.

1751

No. 294.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th January, 1919.)

[Answered by No. 295.]

SIR,

Foreign Office, 7th January, 1919.

WITH reference to your letter of the 21st ultimo† relative to the draft Convention with France respecting Egypt and Morocco, I am directed by Mr. Secretary Balfour to suggest, for Mr. Long's consideration, that the most opportune time at which to raise with the French Government the question of the right of the Self-Governing Dominions to withdraw from the Commercial Convention of 1856 will be when His Majesty's Government and the French Government come to discuss the instrument which is to take the place of that Convention.

I am to request that Mr. Balfour may be informed whether Mr. Long concurs in this view.

I have, &c.,

V. WELLESLEY.

175

No. 295.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 12th February, 1919.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of the 7th January,‡ relative to the draft Convention with France respecting Egypt and Morocco, and to request you to inform Earl Curzon of Kedleston that His Majesty's Government are under an obligation to use their best efforts to secure the right to terminate the Commercial Convention with Morocco of 1856 in respect of the self-governing Dominions. It is, therefore, incumbent on them to take the first opportunity of doing so that occurs.

2. It is hardly to be anticipated that the French Government will raise objections, seeing that they have themselves agreed to a similar course in regard to the additional Articles of the Anglo-French Treaty of 1826.

3. The new instrument will, of course, not apply to the Dominions unless they wish to adhere, but it is not understood why action need be deferred until the time comes to negotiate it, especially as it is necessary to include in the Convention now under discussion provisions for keeping alive the Convention of 1856 during the intervening period.

* No. 290.

† No. 58 in Dominions No. 61.

‡ No. 294.

4. In these circumstances Lord Milner must press the suggestion made in the letter from this Department of the 21st December* as to an addition to Article VI of the Convention now under discussion with the French Government.

I am, &c.,

HENRY LAMBERT.

28237

No. 296.

FOREIGN OFFICE to MR. BALFOUR.

(Enclosure in Foreign Office letter to Colonial Office, dated 9th May, 1919.)

(No. 2783. Extract.)

Foreign Office, 6th May, 1919.

THERE remains the question of the position of the British Dominions in regard to the 1856 Treaty with Morocco, which is raised in the Colonial Office letter of 12th February.† That letter was sent to Mr. Hurst on 3rd March last, and I have no doubt that a satisfactory arrangement could be effected at Paris in consultation with the Colonial Office representatives on the British delegation.

28237

No. 297.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 21st May, 1919.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of the 9th instant enclosing copy of a despatch‡ to Mr. Balfour on the subject of the draft Convention with France concerning Egypt and Morocco.

2. As regards the question of the position of the Self-governing Dominions under the Commercial Convention between Great Britain and Morocco of the 9th December, 1856, the provisions of this Convention have again been examined, with the result that, so far as their application to the Dominions is concerned, they appear not to interfere at all with the fiscal freedom of the Dominions, but merely to secure certain rights in the Dominions for Moroccan subjects and vessels. If Earl Curzon of Kedleston concurs in this opinion it would follow that the question of obtaining, in pursuance of the XIXth Resolution of the Imperial Conference of 1911,§ power for the Dominions to withdraw separately from the Convention is not as important as has been thought hitherto (*vide* the letter from this Department of the 1st November, 1911,|| enclosing copies of despatches to the Self-governing Dominions, explaining the view taken by His Majesty's Government as to the primary object of that Resolution), and if it is not convenient to deal with the matter in connexion with the present negotiations there would accordingly not appear to be any special objection to its being allowed to remain in abeyance.

I am, &c.,

HENRY LAMBERT.

* No. 58 in Dominions No. 61.

† No. 295.

‡ Extract only printed: see No. 296.

§ Page 18 of [Cd. 5745.].

|| No. 224 in Dominions No. 39.

PEACE COMMISSION TREATIES.

Peru, Chile (a), Brazil (b) and Bolivia.

((a) Treaty Series, 1920, No. 3; (b) Treaty Series, 1921, No. 8.)

2710

No. 298.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th January, 1919.)

(No. 1075.)

SIR, Government House, Ottawa, 31st December, 1918.

I HAVE the honour to forward, herewith, for your information, copies of an approved minute of the Privy Council for Canada on the subject of the conclusion with the Republics of Chile and Peru of treaties providing for the establishment of a Peace Commission.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 298.

(P.C. 3156.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 24TH DECEMBER, 1918.

The Committee of the Privy Council have had before them a report, dated 11th December, 1918, from the Acting Secretary of State for External Affairs, to whom was referred a despatch, dated the 26th November, 1918,* from the Secretary of State for the Colonies relative to the conclusion with the Republics of Chile and Peru of treaties providing for the establishment of a Peace Commission similar to that concluded between the United Kingdom and the United States of America at Washington on the 15th September, 1914.

The Minister states, with the concurrence of the Acting Minister of Justice, that there is no objection on the part of the Canadian Government to the ratification and signature, respectively, of the treaties in the above behalf between Great Britain and Peru and Chile.

The Committee, on the recommendation of the Acting Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy of this minute to the Right Honourable the Secretary of State for the Colonies, for the information of His Majesty's Government.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

7691

No. 299.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 p.m., 4th February, 1919.)

TELEGRAM.

YOUR telegram 26th November.* Commonwealth of Australia concur in ratification and signature of treaties with Chile and Peru in terms of that of 15th September, 1914, between the United Kingdom and United States.—MUNRO-FERGUSON.

* No. 1 in Dominions No. 61.

5171

No. 300.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 302, 303, 306, 308, and 309.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 81. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 5th February, 1919.

WITH reference to my predecessor's Confidential despatch Dominions No. 693, of the 4th December,* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of correspondence between His Majesty's Minister at Rio de Janeiro and the Secretary of State for Foreign Affairs regarding the proposed treaty between the United Kingdom and Brazil for the establishment of a Peace Commission. As indicated in paragraph 4 of Mr. Long's despatch, the Imperial War Cabinet authorized the Secretary of State for Foreign Affairs to proceed with the negotiations for the treaty, but His Majesty's Government would be glad to receive an intimation of the concurrence of the [Canadian] [Commonwealth] [New Zealand] [Union of South Africa] [Newfoundland] Government in the ratification of the treaty in due course.

I have, &c.,

MILNER.

Enclosure 1 in No. 300.

SIR A. PEEL (RIO DE JANEIRO) to FOREIGN OFFICE.

(Received 8.0 a.m., 11th December, 1918.)

TELEGRAM.

(Paraphrase.)

No. 565. 10th December. With reference to your telegram No. 516, Peace Commission. I communicated substance of your telegram to Brazilian Government and have received written reply expressing satisfaction at acceptance of Brazilian counterdraft by His Majesty's Government.

They willingly agree to suppression of Article 2, paragraph 3, which was put in only "to facilitate solution of probable difficulties."

Thus, for example, if (as in (? case) of military and naval questions) investigations had to be made by technical experts and not by jurists, the substitution of one or more of the members before the investigation began would be inevitable. Substitution would be also necessary if, on personal grounds connected with question at issue, any member declared himself ineligible. Note adds that honourable and high motives of contracting parties would exclude any abuse of procedure or want of confidence in a purely consultative Peace Commission.

Sentence about the fifth member was inserted, in the same way, only to meet the case of the two parties being unable to agree as to the appointment.

Brazilian Government have no objection to adhering to British text as regards Article 2, paragraph 4, since counter-proposal involved no new matter but merely involved alteration in wording.

Minister for Foreign Affairs states that he is authorized to conclude treaty, and, for preparation of (? Article 8), requests me to furnish him with English text.

May I have full powers to proceed?

Enclosure 2 in No. 300.

(No 2. Treaty.)

(203601/306/T.)

SIR,

Foreign Office, S.W.1, 18th January, 1919.

I RECEIVED your telegram No. 565, of the 10th ultimo, notifying the acceptance by the Brazilian Government of the amendments suggested by His Majesty's Government in the Brazilian counter-draft of the proposed treaty between

* No. 2 in Dominions No. 61.

the two countries for the establishment of a Peace Commission. I now transmit to you a Full Power, under Royal Sign Manual, authorizing you to sign the treaty in the form agreed upon.

At the same time I enclose copies of the English text of the treaty, which, save in respect of certain necessary alterations in the preamble and some slight variations in phraseology, corresponds with the original translation of the Brazilian counter-draft forwarded in your despatch No. 10, Treaty, of 6th June last.

I am, &c.,

J. A. C. TILLEY.

Sir A. Peel, K.C.M.G.,
&c., &c., &c.

TREATY BETWEEN THE UNITED KINGDOM AND BRAZIL FOR THE ESTABLISHMENT OF A PEACE COMMISSION.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of Brazil, desirous of once more giving expression to the traditional friendship existing between the two countries, and uniting to promote the cause of civilization by peaceful means, have resolved to enter into a special treaty for the amicable settlement of any future difficulties which may arise between the two countries, and for that purpose have appointed as their plenipotentiaries:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Arthur Robert Peel, K.C.M.G., his Envoy Extraordinary and Minister Plenipotentiary at Rio de Janeiro; and the President of the United States of Brazil, Dr. Nilo Pecanha, Minister of State for Foreign Affairs;

Who, being duly authorized, have agreed on the following articles:—

Article 1.

The two high contracting parties agree to submit to the investigation of a permanent Commission, which will give its report thereon, all difficulties of an international character which may arise between them and cannot be directly resolved by diplomatic means, and which do not fall within the terms of the arbitration Convention in force between the two countries; and they further agree not to declare war the one against the other, nor to commence hostilities, until the result of such investigation shall be submitted.

Article 2.

The above-mentioned Commission shall be composed of five members, each of them nominated for five years, in the following manner; each Government shall select two members, only one of them being a national of the country nominating him. The fifth shall be chosen by mutual agreement between the two Governments, it being understood that he shall not belong to any of the nationalities already represented on the Commission.

This fifth member shall exercise the function of President.

In the event of its appearing to His Majesty's Government that the British interests affected by the dispute to be investigated are not mainly those of the United Kingdom, but are mainly those of some one or more of the Self-governing Dominions, namely, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Majesty's Government shall be at liberty to substitute as the member chosen by them to serve on the international Commission for such investigation and report another person selected from a list of persons to be named, one for each of the Self-governing Dominions, but only one shall act, namely, that one who represents the Dominion immediately interested.

The expenses of the Commission shall be paid by the two Governments in equal proportions.

The Commission shall be constituted and shall be prepared to operate within six months after the exchange of ratifications of the present treaty.

At the end of each period of five years the members shall be reappointed or others substituted.

Vacancies shall be filled according to the manner of the original appointment.

The Commission shall formulate its own rules of procedure.

Article 3.

In case the high contracting parties shall have failed to adjust any such question of an international nature by diplomatic methods, they shall refer it to the said Commission for investigation and report.

The Commission may be convened by either of the contracting parties, and will operate preferably in the country which offers the greater facilities for examination of the question, for which purpose the high contracting parties shall furnish all assistance.

The report of the Commission shall be presented within one year after the date on which the Commission shall declare its investigation to have begun, unless a prorogation is agreed to by both parties.

This report, which is of a purely consultative nature and does not bind the contracting parties on the subject in question, shall be prepared in triplicate, each of the Governments receiving one copy and the third being preserved in the archives of the Commission.

Article 4.

After presentation of the report to both Governments they shall have six months in which to negotiate an agreement in accordance with the Commission's report, and if, at the end of this further period, they do not succeed in coming to an understanding, they shall submit the dispute to arbitration in conformity with the terms of the Convention concluded between the two high contracting parties on the 18th June, 1909.

Article 5.

The present treaty shall be ratified by the two high contracting parties in the manner prescribed by their national constitutions, and the ratifications shall be exchanged as soon as possible. The treaty shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years, and it shall thereafter remain in force until twelve months after one of the high contracting parties has given notice to the other of an intention to terminate it.

The strict and loyal fulfilment of the preceding clauses is confided to the honour of the signatory nations.

In witness thereof the respective plenipotentiaries have signed the present treaty, and have affixed thereunto their seals.

Done at Rio de Janeiro on the day of in the year nineteen hundred and nineteen.

13372

No. 301.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28th February, 1919.)

(Confidential (2).)

MY LORD,

Government House, St. John's, 28th January, 1919.

I HAVE the honour to acknowledge the receipt of Mr. Long's Confidential despatch, Dominions No. 693, of the 4th December, 1918,* with a copy of the original British draft of the proposed treaty between the United Kingdom and Brazil for the establishment of a Peace Commission, and to inform you that my Ministers have seen and noted the provisions of that draft and the decision taken.

I have, &c.,

C. ALEXANDER HARRIS.

* No. 2 in Dominions No. 61.

17114

No. 302.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 18th March, 1919.)

(Confidential.)

MY LORD,

Government House, St. John's, 4th March, 1919.

I HAVE the honour to acknowledge the receipt of your despatch Confidential, Dominions No. 81, of the 5th February,* regarding the proposed treaty between the United Kingdom and Brazil for the establishment of a Peace Commission, and to inform you that my Ministers concur in the ratification of the treaty.

I have, &c.,

C. ALEXANDER HARRIS.

18308

No. 303.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th March, 1919.)

(Confidential.)

MY LORD,

Government House, Ottawa, 10th March, 1919.

WITH reference to your Confidential despatch of the 5th February, 1919, Dominions No. 81,* enclosing copy of a proposed treaty between the United Kingdom and Brazil for the establishment of a Peace Commission, as finally agreed upon by the two Governments, I have the honour to inform you that my advisers have no objection to the terms of the proposed treaty, and concur in its ratification.

I have, &c.,

DEVONSHIRE.

13076

No. 304.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 223. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 24th March, 1919.

WITH reference to my predecessor's telegram of the 26th November, 1918,† and connected correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of correspondence relative to the Peace Commission treaty between the United Kingdom and Chile.

I have, &c.,

MILNER.

Enclosure 1 in No. 304.

(25234.)

FOREIGN OFFICE to SIR F. STRONGE (SANTIAGO).

(Sent 10.0 p.m., 22nd February, 1919.)

TELEGRAM.

(Paragraph.)

No. 32. Your telegram No. 20 (21st January, Peace Commission treaty). You are authorized to sign treaty, and His Majesty's full power is being sent you by bag. Signature might take place now if Chilean Government agree, and full power could be exhibited on arrival.

* No. 300.

† No. 1 in Dominions No. 61.

Enclosure 2 in No. 304.

(No. 2. Treaty.)

SIR,

Foreign Office, S.W.1., 24th February, 1919.

I TRANSMIT to you herewith a general Full Power under the Royal Sign Manual and Great Seal, authorizing and empowering you, as His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Republic of Chile, to negotiate and conclude with such Minister or Ministers as may be vested with similar power and authority on the part of the President of the Republic any treaty, convention, or agreement between the United Kingdom and Chile.

I am, &c.,

J. A. C. THILEY.

Sir F. Stronge, K.C.M.G.,

&c.,

&c.,

&c.,

20507

No. 305.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 268. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 9th April, 1919.

WITH reference to my Confidential despatch, Dominions No. 223, of the 24th March,* I have the honour to request [Your Excellency] [you] to inform your Ministers that a telegram has been received from His Majesty's representative at Santiago reporting that the Peace Commission treaty between the United Kingdom and Chile was signed on the 28th of March, 1919.

I have, &c.,

MILNER.

29984

No. 306.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th May, 1919.)

(No. 257.)

MY LORD,

Governor-General's Office, Cape Town, 14th April, 1919.

I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential, Dominions No. 81, of the 5th February, 1919,† copy of a minute from Ministers, dated 10th April, 1919, on the subject of the proposed treaty between the United Kingdom and Brazil for the establishment of a Peace Commission.

I have, &c.,

BUXTON,

Governor-General.

Enclosure in No. 306.

MINUTE No. 554.

Prime Minister's Office, Cape Town, 10th April, 1919.

MINISTERS have the honour to refer to His Excellency the Governor-General's minute (Confidential) No. 48/952, of the 22nd ultimo, and to state that they concur in the ratification, in due course, of the proposed treaty between the United Kingdom and Brazil for the establishment of a Peace Commission.

F. S. MALAN.

* No. 304.

† No. 300.

29756

No. 307.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(Union of South Africa.
(New Zealand.
(Newfoundland.) } Dominions No. 424.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th May, 1919.

WITH reference to previous correspondence regarding the treaty between the United Kingdom and Brazil for the establishment of a Peace Commission, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Minister at Rio de Janeiro recording the signature of the treaty on 4th April last.

The treaty itself is at present being printed with a view to the eventual preparation of the King's ratification.

I have, &c.,
MILNER.

(No. 5. Treaty.)

Enclosure in No. 307.

MY LORD,
I HAVE the honour to transmit herewith the treaty between the United Kingdom and Brazil for the establishment of a Peace Commission, which I signed on the 4th instant, in accordance with the authorization contained in your despatch No. 2 of this series, of the 18th of January last, enclosing a Full Power under Royal Sign Manual.

I have, &c.,
ARTHUR PEEL.

The Right Honourable
Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

38258

No. 308.

COMMONWEALTH OF AUSTRALIA.
THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 2.15 a.m., 28th June, 1919.)

TELEGRAM.

CONFIDENTIAL. Your despatch 4th December, 1918, Dominions No. 693, and your despatch 5th February, 1919, Dominions No. 81.* No objection, as far as Government of Commonwealth of Australia concerned, to proposed treaty between United Kingdom and Brazil for establishment of Peace Commission. When necessary, High Commissioner for Australia will represent Australia.—FERGUSON.

42214

No. 309.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 21st July, 1919.)

(Confidential (2).)

MY LORD,
Government House, Wellington, 23rd May, 1919.
WITH reference to your Confidential despatch of the 5th February, Dominions No. 81,† I have the honour to inform Your Lordship that the New Zealand Government concur in the ratification of the treaty between the United Kingdom and Brazil for the establishment of a Peace Commission.

I have, &c.,
LIVERPOOL,
Governor-General.

* No. 2 in Dominions No. 61 and No. 300 in this book.

† No. 300.

159

46264

No. 310.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 7.0 p.m., 13th August, 1919.)

TELEGRAM.

[Answered by Nos. 311, 312, 313, 314, 319, and 321.]

(Canada.)
(Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

13TH AUGUST. My telegram 26th November, 1918,* Peace Commission Treaties. Bolivian Minister recently requested Secretary of State for Foreign Affairs that treaty might be concluded between United Kingdom and Bolivia on lines of those negotiated between United Kingdom and other South American States on occasion of Sir Maurice de Bunsen's mission last year.

His Majesty's Government contemplate accordingly submitting to Bolivian Government draft treaty in terms of those recently concluded with Peru and Chile.

Should be glad to know at early date whether your Ministers concur in course proposed.—MILNER.

48405

No. 311.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 12.10 p.m., 20th August, 1919.)

TELEGRAM.

19TH AUGUST. With reference to your telegram 13th August,† Peace Commission Treaty with Bolivia, Ministers concur.—BUXTON.

40132

No. 312.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.
(Received 7.30 p.m., 24th August, 1919.)

TELEGRAM.

Your telegram of 14th August,† Treaty, Bolivia. My Ministers agree.—HARRIS.

51282

No. 313.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 8.10 a.m., 4th September, 1919.)

TELEGRAM.

YOUR telegram of 13th August,† Peace Commission Treaty with Bolivia. My Government concur in course proposed.—LIVERPOOL.

* No. 1 in Dominions No. 61.

† No. 310.

65241

No. 314.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.35 p.m., 13th November, 1919.)

TELEGRAM.

[Answered by No. 315.]

13TH NOVEMBER. Your telegram 15th October,* Peace Commission Treaty with Bolivia. No recommendations can be made by Minister of Justice in this matter until text of this Treaty is available. My Ministers will be glad to receive copies of Treaty with Bolivia, also those with Peru and Chile, as soon as possible.—DEVONSHIRE

70040

No. 315.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.45 p.m., 15th December, 1919.)

TELEGRAM.

15TH DECEMBER. Your telegram 13th November,† Peace Commission Treaty with Bolivia. Text of treaty not yet available, but draft will be modelled on treaties already concluded with Peru and Chile, in which your Ministers have concurred. Copies follow by mail. See your despatch of 31st December, 1918 (No. 1075).‡ Should be glad of early reply.—SECRETARY OF STATE FOR THE COLONIES.

70040

No. 316.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.)
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 880.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 22nd December, 1919.
WITH reference to the telegrams from the Secretary of State of the 18th [26th] November, 1918, and the 13th August, 1919,§ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of the Treaty between the United Kingdom and Chile for the establishment of a Peace Commission, signed on 28th March, 1919, and of the similar Treaty between the United Kingdom and Peru, signed at Lima on 16th July, 1918.

I have, &c.,
(for the Secretary of State)
L. S. AMERY.

* 46264: reminder of No. 310. † No. 314. ‡ No. 298. § No. 1 in Dominions No. 61 and No. 310. ¶ Treaty with Chile published as Treaty Series, 1920, No. 3.

71760

No. 317.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions No. 3)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 2nd January, 1920.

WITH reference to Viscount Milner's despatch Dominions No. 424 of the 28th of May, 1919,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy† of the Treaty between the United Kingdom and Brazil for the establishment of a Peace Commission.

2. The Treaty was signed on the 4th of April, 1919, but His Majesty's Ambassador at Rio de Janeiro states that the President is unable to ratify it until after its ratification by Congress. As it is uncertain when Congress will ratify the Treaty, no date for the exchange of ratifications can yet be fixed.

I have, &c.,
(for the Secretary of State)
L. S. AMERY.

164

No. 318.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.)

Dominions, No. 24.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 20th January, 1920.

WITH reference to Viscount Milner's despatch, Dominions, No. 268, of the 9th of April, 1919,‡ regarding the Peace Commission Treaty between the United Kingdom and Chile, I have the honour to request [Your Excellency] [you] to inform your Ministers that His Majesty's Representative at Santiago reports that ratifications were exchanged on the 23rd of October last.

2. Copies of the Treaty were enclosed in my despatch, Dominions, No. 880, of the 22nd of December.§

I have, &c.,
(for the Secretary of State)
L. S. AMERY.

10874

No. 319.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1st March, 1920.)

(No. 79.)

SIR,

Government House, Ottawa, 9th February, 1920.

WITH reference to Lord Milner's telegram of the 13th August last,|| regarding the conclusion with the Republic of Bolivia of a treaty providing for the establishment of a Peace Commission similar to those recently concluded between Great Britain and Peru and Chile, I have the honour to transmit, herewith, copies of

* No. 307. † Published as Treaty Series, 1921, No. 8. ‡ No. 305. § No. 316. || No. 310.

an approved minute of the Privy Council for Canada to the effect that there is no objection on the part of the Canadian Government to the ratification and signature of the treaty in the above behalf between Great Britain and Bolivia.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 319.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL,
APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE
31ST JANUARY, 1920.

(P.C. 232.)

THE Committee of the Privy Council have had before them a report, dated 28th January, 1920, from the Acting Secretary of State for External Affairs, to whom was referred a telegraphic despatch from the Secretary of State for the Colonies to Your Excellency, dated 14th August, 1919, relative to the conclusion with the Republic of Bolivia of a treaty providing for the establishment of a Peace Commission similar to those recently concluded between Great Britain and Peru and Chile.

The Minister, with the concurrence of the Minister of Justice, reports that there is no objection on the part of the Canadian Government to the ratification and signature of the treaty in the above behalf between Great Britain and Bolivia.

The Committee, on the recommendation of the Acting Secretary of State for External Affairs, advise that Your Excellency may be pleased to transmit a copy hereof to the Secretary of State for the Colonies for the information of His Majesty's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

26972

No. 320.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 322, 323, 324, and 325.]

(Canada.

(Commonwealth of Australia,

(New Zealand,

(Union of South Africa,

(Newfoundland.

} Dominions No. 245.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 15th June, 1920.

WITH reference to my despatch Dominions No. 71, of the 18th February,* and previous correspondence relative to the Treaty with Chile for the establishment of a Peace Commission, I have the honour to request [Your Excellency] [you] to inform your Ministers that it is proposed to ask Señor Montes de Oca to serve as the British non-national member of the Commission to be appointed under the Treaty, and, subject to the concurrence of the Chilean Government, to ask the Marques de Lema to act as the fifth member.

2. The qualifications of these two gentlemen may be summarized as follows:—

Señor Manuel A. Montes de Oca: Nationality, Argentine.—Professor, University of Buenos Aires; educated at the National College and Faculty of Law of the University of Buenos Aires; Legal Adviser to the Argentine Legation in London, 1899-1903, for the Argentine-Chilean Boundary question; Special Envoy of the Argentine Government to the Coronation of His late Majesty King Edward VII; has advised the British Legation at Buenos Aires at various times; presented with a silver inkstand by His Majesty's Government, in 1903, for services connected with the Bright's Light and Power case; Minister for Foreign Affairs, 1906; Minister of the Interior,

* Not printed. This forwarded copies of the Treaty as published (Treaty Series, 1920, No. 9).

1907; Special Ambassador to Brazil, 1910; Argentine Delegate to the fourth Pan-American Congress; Chairman of the Public Libraries Commission in Buenos Aires; National Deputy, 1910-13, when he resigned; Delegate of the Faculty of Law to the Superior University Council; Chairman of the Local Board of the French Railway Company of the Province of Santa Fé; Director of the Local Board of Central Cordoba Railway Company (English); Director of "El Hogar" Bank; Legal Adviser to many companies, etc. Born in Buenos Aires, 1867; speaks English.

Marques de Lema: Nationality, Spanish; has also the Italian title of Duke of Ripalda.—The present Minister for Foreign Affairs; is a doctor in law, but does not practice; has a special knowledge of international law; is a facile speaker, and also speaks English fluently; is a Conservative.

3. I should be glad to know whether your Ministers agree to the appointment of these gentlemen.

4. The time for the constitution of the Commission, as provided by Article II of the Treaty, having already elapsed, its extension by an exchange of Notes will be necessary. This can, no doubt, be easily arranged with the Chilean Government, as in the case of the similar Treaty with the United States of America, in which connexion I would invite reference to Mr. Bonar Law's despatch No. [1209,] [969,] [724,] [1085,] [668,] of the 21st December, 1915.*

5. I take this opportunity of observing that His Majesty's Government would be glad if your Ministers would furnish the name of the person whom they would desire to represent them under paragraph 2 of Article III of the Treaty, should occasion arise.

I have, &c.,

MILNER.

40800

No. 321.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.30 p.m., 17th August, 1920.)

TELEGRAM.

17TH AUGUST. Your telegram 13th August, 1919,† Peace Commission Treaty, Bolivia. Government of Commonwealth of Australia has no objection to course proposed therein.—GOVERNOR-GENERAL.

40948

No. 322.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th August, 1920.)

(No. 510.)

MY LORD,

Governor-General's Office, Cape Town, 29th July, 1920.

I HAVE the honour to transmit to Your Lordship, herewith, with reference to your despatch No. 245, of the 15th June, 1920,‡ copy of a minute from Ministers, dated 26th July, 1920, on the subject of the Treaty with Chile for the establishment of a Peace Commission.

I have, &c.,

BUXTON,
Governor-General.

* Not printed: it transmitted a copy of No. 13 in Dominions No. 50; and see Note to No. 326 in this volume. † No. 310. ‡ No. 320.

Enclosure in No. 322.

MINUTE No. 801.

Prime Minister's Office, 26th July, 1920.

MINISTERS have the honour to acknowledge the receipt of His Excellency's minute No. 48/1080, of the 13th instant, transmitting a despatch from the Secretary of State for the Colonies, No. 245, of the 15th June, relative to the Treaty with Chile for the establishment of a Peace Commission.

2. With reference to paragraph 3 of that despatch, Ministers agree to the appointment of the gentlemen described in paragraph 2 thereof.

3. With reference to paragraph 5 of the despatch, Ministers are not in a position at the present time to nominate any person to be placed on the list mentioned in [under] paragraph 2 of Article III of the Treaty, but are willing to allow the officer for the time being acting or holding the office of High Commissioner for the Union in London to represent the Union under the Treaty, if occasion should arise.

J. C. SMUTS.

42104

No. 323.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 25th August, 1920.)

(No. 134.)

MY LORD,

Government House, St. John's, 7th August, 1920.

I HAVE the honour to acknowledge receipt of your despatch Dominions No. 245, of the 15th June,* respecting the appointment of representatives on the Peace Commission under the Treaty with Chile, and to inform you that my Ministers agree to the appointment of Señor Montes de Oca to be British non-national member and the Marques de Lema to be fifth member.

2. In accordance with the wish of His Majesty's Government that my Ministers would furnish the name of the person whom they would desire to represent them under paragraph 2 of Article III of the Treaty should occasion arise, I have to say that they nominate the Honourable Sir Edgar Bowring, their High Commissioner in London.

I have, &c.,

C. ALEXANDER HARRIS.

44604

No. 324.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.22 p.m., 7th September, 1920.)

TELEGRAM.

7TH SEPTEMBER. Your despatch 15th June, Dominions No. 245.* Peace Commission Treaty between United Kingdom and Chile; no objection to proposed personnel; High Commissioner nominated as Commonwealth representative.—GOVERNOR-GENERAL.

* No. 320.

53381

No. 325.

NEW ZEALAND.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 30th October, 1920.)

(No. 151.)

MY LORD,

Government House, Wellington, 16th September, 1920.

I HAVE the honour to acknowledge the receipt of Your Lordship's despatch Dominions No. 245, of the 15th June,* relative to the Treaty with Chile for the establishment of a Peace Commission, and to inform you that the Government of New Zealand agree to the appointment of Señor Montes de Oca as the British non-national member of the Commission and to the Marques de Lema as the fifth member.

2. Ministers have decided to ask me, as the Chief Justice of the Dominion, to act as the representative of New Zealand, should occasion arise.

I have, &c.,

ROBERT STOUT,
Administrator.

United States of America.

(Treaty Series, 1914, No. 16.)

31152

No. 326.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 327.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 272.)

[MY LORD DUKE,] [SIR,] [MY LORD,]

Downing Street, 2nd July, 1920.

WITH reference to Mr. Bonar Law's despatch, No. [1147,] [907,] [673,] [1015,] [629,] of the 3rd of December, 1915,† and connected correspondence, on the subject of the Peace Commission Treaty with the United States of America, I have the honour to request [Your Excellency] [you] to inform your Ministers that the membership of the Commission appointed under this Treaty is now as follows:—

Umpire.—Professor Nansen.

British National Delegate.—Viscount Bryce.

British non-National Delegate.—Monsieur Millerand (who accepted the appointment rendered vacant in 1916 by the death of Monsieur Kovalewski).

United States Delegate.—Judge Gray.

United States non-National Delegate.—Senhor da Gama (Brazilian).

* No. 320.

† Note.—For despatch to Newfoundland see No. 11 in Dominions No. 59. The other despatches quoted enclosed a despatch from His Majesty's Ambassador at Washington relating to an extension of the time for constituting the Commission (see No. 10 in Dominions No. 59) and gave the names of the Dominion representatives as far as then settled. The extension of time for constituting the Commission was agreed to by an exchange of notes dated 3rd November, 1915 (see Nos. 10 and 13 in Dominions No. 59). The notes were communicated to the Dominions at the time.

2. The list of the gentlemen nominated by the Dominion Governments under Article 3 of the Treaty was as follows:—

Canada.—Sir Charles Fitzpatrick, G.C.M.G.

Australia.—The High Commissioner in London for the time being.

New Zealand.—Sir Robert Stout, K.C.M.G.

Union of South Africa.—Mr. W. P. Schreiner, then High Commissioner in London.

Newfoundland.—Sir William Horwood.

3. [*To Union of South Africa only.*—The death of Mr. Schreiner leaves a vacancy in the representation of the Union, and I should be glad to learn whom your Ministers would wish to represent the Union Government in his stead.]

3. [*To all except the Union of South Africa.*—The death of Mr. Schreiner leaves a vacancy in the representation of the Union of South Africa, and the Union Government are being asked whom they wish to appoint as their representative to fill the vacancy.]

I have, &c.,

MILNER.

44539

No. 327.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th September, 1920.)

[Answered by No. 329.]

(No. 579.)

MY LORD, Governor-General's Office, Cape Town, 17th August, 1920.

I HAVE the honour to transmit to Your Lordship herewith, with reference to your despatch Dominions No. 272, of the 2nd July, 1920,* copy of a minute from Ministers dated 16th August, 1920, on the subject of the Peace Commission Treaty with the United States of America.

I have, &c.,

BUXTON,
Governor-General.

Enclosure in No. 327.

(Minute No. 895.)

Prime Minister's Office, 16th August, 1920.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's minute No. 48/1090 of the 5th instant, transmitting a copy of a despatch No. 272 from the Secretary of State for the Colonies on the subject of the Peace Commission Treaty with the United States of America, and to state that they wish the High Commissioner for the Union of South Africa in London, or Acting High Commissioner for the time being, to be the Union's representative on the Peace Commission in the stead of the late Mr. W. P. Schreiner.

J. C. SMUTS.

44539

No. 328.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada, No. 565.)

(Commonwealth of Australia, No. 379.)

(New Zealand, No. 197.)

(Newfoundland, No. 112.)

[MY LORD DUKE.] [MY LORD.] [SIR,] Downing Street, 16th September, 1920.

WITH reference to the last paragraph of my despatch, Dominions No. 272, of the 2nd July,* I have the honour to request [Your Excellency] [you] to inform

* No. 326.

your Ministers that the Government of the Union of South Africa have appointed the High Commissioner for the Union in London, or the Acting High Commissioner for the time being, to be the Union's representative under Article III of the Peace Commission Treaty with the United States, in the stead of the late Mr. W. P. Schreiner.

I have, &c.,

MILNER.

46454

No. 329.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

(No. 390.)

Downing Street, 24th September, 1920.

SIR,

WITH reference to Viscount Buxton's despatch No. 579, of the 17th of August,* relative to the Peace Commission Treaty with the United States, I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch to His Majesty's Ambassador at Washington regarding the representation of the Union of South Africa on the Peace Commission.

I have, &c.,

MILNER.

Enclosure in No. 329.

(No. 1087.)

Foreign Office, S.W.1, 17th September, 1920.

SIR,

WITH reference to my despatch No. 719, of the 25th June last, relative to the Peace Commission Treaty with the United States, I transmit to Your Excellency herewith copy of a letter from the Colonial Office, enclosing a despatch from the Governor-General of South Africa, stating that the Union Government wishes the Union to be represented by the High Commissioner in London or the Acting High Commissioner for the time being, in place of the late Mr. W. P. Schreiner.

I request that you will be good enough to inform the United States Government to this effect.

I am, &c.,

H. J. SEYMOUR.

His Excellency

The Right Honourable

Sir Auckland C. Geddes, K.C.B.,

&c., &c., &c.

54922

No. 330.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

(No. 464.)

SIR,

Downing Street, 17th November, 1920.

WITH reference to my despatch No. 390, of the 24th September,† relative to the Peace Commission Treaty with the United States, I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch from His Majesty's Ambassador at Washington regarding the representation of the Union of South Africa on the Commission.

I have, &c.,

MILNER.

* No. 327.

† No. 329.

Enclosure in No. 330.

(No. 1257.)

MY LORD,

British Embassy, Washington, 19th October, 1920.

WITH reference to Your Lordship's despatch No. 1087, of 17th September, respecting the Peace Commission Treaty with the United States and the desire of the Union Government of South Africa that they should be represented by the High Commissioner in London in place of the late Mr. W. P. Schreiner, I have the honour to inform you that I have received a communication from the State Department to the effect that due note has been made of this announcement.

I have, &c.,

A. C. GEDDES.

The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

PERSIA.

Agreement (1920) modifying the Commercial Convention of 1903.

(Treaty Series, 1920, No. 17.)

69992

No. 331.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 4.40 p.m., 11th December, 1919.)

TELEGRAM.

[Answered by Nos. 332, 333, 334, and 335.]

(Canada.)

(Commonwealth of Australia.)

(Union of South Africa.)

(New Zealand.)

(Newfoundland.)

11TH DECEMBER. Committee being set up in Persia by His Majesty's Government and Government of Persia to revise Persian Customs Tariff, see para. 6 of Agreement enclosed in my despatch of 22nd August, Dominions, No. 673.* Llewellyn Smith, who will be British representative, inquires whether there are any Dominion interests requiring special consideration. Matter urgent as he leaves India for Persia early in January. If your Ministers have any observations please telegraph reply.—SECRETARY OF STATE FOR THE COLONIES.

73201

No. 332.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

TELEGRAM.

(Received 8.10 p.m., 24th December, 1919.)

24TH DECEMBER. Your telegram 11th December,† Persian Customs Tariff. As export trade of New Zealand with Persia is negligible no special action in interests of this Dominion is desired by my Government.—LIVERPOOL.

* 49134: not printed. This forwarded copy of [Cmd. 300] containing the Agreement between H.M. Government and the Persian Government of 9th August, 1919. † No. 331.

73977

No. 333.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.5 p.m., 30th December, 1919.)

TELEGRAM.

29TH DECEMBER. Your telegram 11th December,* Persian Customs Tariff. Ministers have no observations.—BUXTON.

804

No. 334.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.15 a.m., 4th January, 1920.)

TELEGRAM.

3RD JANUARY. Your telegram 11th December,* Persian trade. My Ministers represent that trade between Persia and Canada is very trifling, no special interests requiring consideration; general interests will, it is presumed, be coincident with those of United Kingdom in manufactured products.—DEVONSHIRE.

5010

No. 335.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.6 p.m., 28th January, 1920.)

TELEGRAM.

28TH JANUARY. With reference to your telegram 11th December,* Persian Customs tariff. Commonwealth not greatly interested and prepared leave protection its interest in hands of His Majesty's Government.—MUNRO FERGUSON.

27942

No. 336.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

Dominions No. 229.)

[MY LORD DUKE.] [MY LORD,] [SIR,]

Downing Street, 4th June, 1920.

WITH reference to my telegram of the 11th of December, 1919,* and connected correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the *Supplement to the Board of Trade Journal* of the 20th of May, 1920,† containing the Anglo-Persian Agreement for the Revision of the Persian Customs Tariff and Regulations.

I have, &c.,

MILNER.

* No. 331. † Not reprinted. The Agreement (dated 21st March, 1920) was subsequently published as Treaty Series, 1920, No. 17.

POLAND.

Treaty of 1919.

(Treaty Series, 1919, No. 8.)

Note.—Copies of the Treaty with Poland (published as Treaty Series, 1919, No. 8, were sent to the Dominions on 21st July, 1919 (43208/19). The Treaty was ratified on 10th January, 1920 (9121/20).

60590

No. 337.

UNION OF SOUTH AFRICA.

HOUSE OF ASSEMBLY.

(Tuesday, 9th September, 1919.)

MR. ALEXANDER asked the Prime Minister whether the Treaty with Poland referred to in Article 93 of the Treaty now before the House will be submitted to this Parliament for ratification, and, if so, when?

Reply: The Treaty will be laid on the Table and will be ratified unless its provisions are disapproved before the end of this session.

53362

No. 338.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.10 p.m., 13th September, 1919.)

TELEGRAM.

13TH SEPTEMBER. Following Order in Council was approved this day. *Begins:* At Government House, Ottawa, Saturday, 13th September, 1919. Present, Deputy Governor-General in Council.

Whereas at Versailles, on 28th June, 1919, Treaty between United States of America, British Empire, France, Italy, and Japan, and Poland was concluded and signed on behalf of His Majesty for and in respect of Dominion of Canada by plenipotentiaries duly authorized for that purpose by His Majesty on advice and recommendation of Government of Dominion of Canada:

And whereas Senate and House of Commons of Dominion of Canada have by resolution approved of said Treaty:

And whereas it is expedient that said Treaty be ratified by His Majesty for and in respect of Dominion of Canada:

Now, therefore, Deputy Governor-General in Council, on recommendation of Secretary of State for External Affairs, is pleased to order and doth hereby order that His Majesty the King be humbly moved to approve, accept, confirm, and ratify said Treaty for and in respect of Dominion of Canada. *Ends.*—DEVONSHIRE.

PROPERTY, RIGHTS AND INTERESTS.

(1). Bilateral Treaties with Greece, Poland, Czecho-Slovakia, Roumania, and Serb-Croat-Slovene State.

10019

No. 339.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Sent 6 p.m., 16th March, 1920.)

TELEGRAM.

[Answered by Nos. 341, 342, 343, 344, and 345.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

16TH MARCH.—His Majesty's Government have had under consideration framing of bilateral Treaties with Greece, Poland, Czecho-Slovakia, Roumania, and Serb-Croat-Slovene State in regard to property, rights and interests to be restored to British subjects under Articles 297 and 238 of German Treaty and analogous articles of other Treaties arising out of Peace settlement.

Text of proposed Treaty with Greece as follows: [*Text of draft Treaty not reprinted.*] Text of Treaties with other States named on similar lines. Should be glad to know as soon as possible whether your Ministers concur in draft Treaties being communicated to representatives of respective States with a view to their signature at an early date.—SECRETARY OF STATE FOR THE COLONIES.

10019

No. 340.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6 p.m. 16th March, 1920.)

TELEGRAM.

[Answered by Nos. 342, 343, 344, and 345.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

16TH MARCH.—My telegram of 16th March.* Proposed that Treaties with Greece and other States should be signed by representatives of Dominions as well as United Kingdom. Whom would your Ministers wish to nominate as their representative?—SECRETARY OF STATE FOR THE COLONIES.

14870

No. 341.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.20 p.m., 21st March, 1920.)

TELEGRAM.

21ST MARCH.—Your telegram 16th March*, bilateral Treaties, my Ministers agree.—HARRIS.

15324

No. 342.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2 a.m., 24th March, 1920.)

TELEGRAM.

23RD MARCH.—Your telegram 16th March,* bilateral Treaties with Greece and other States. Firstly, Government of New Zealand concurs in draft Treaties being communicated to representatives of respective States with a view to their signature at an early date. Secondly, your further telegram of 16th March† on the same subject; my Government nominates High Commissioner for New Zealand to execute Treaties referred to as the representative of New Zealand.—LIVERPOOL.

16438

No. 343.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.41 p.m., 29th March, 1920.)

TELEGRAM.

29TH MARCH. Your telegrams 16th March,‡ bilateral Treaties Greece and other States. Government of Commonwealth of Australia concurs in draft Treaty being communicated to representatives of respective States concerned with a view to their signature early date. High Commissioner authorized to sign on behalf of Commonwealth.—MUNRO FERGUSON.

19355

No. 344.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9 a.m., 16th April, 1920.)

TELEGRAM.

14TH APRIL. Your telegrams of 16th March,‡ bilateral Treaties with Greece, etc. Ministers concur in communication to representatives of respective States with a view to early signature, and are instructing High Commissioner in London to sign on behalf of Union.—BUXTON.

19865

No. 345.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.15 a.m., 20th April, 1920.)

TELEGRAM.

19TH APRIL. Your telegrams 16th March,‡ Government of Canada concur in proposed Treaties with Greece and other States, and name as representative Honourable Sir G. H. Perley, K.C.M.G., High Commissioner. Despatch follows by mail.

* No. 899. † No. 340. ‡ Nos. 339 and 340.

26083

No. 346.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada.	} Dominions No. 237.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 8th June, 1920.

WITH reference to my telegram of the 16th of March,* and connected correspondence regarding the proposed bilateral Treaties with Greece, Poland, Czecho-Slovakia, Roumania, and the Serb-Croat-Slovene State, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a note which has been addressed to the representatives in London of the above-mentioned countries, together with a copy of the revised draft of the Treaty.†

2. Your Ministers will observe that a paragraph has been added to Article 2 of the draft Treaty, the text of which was communicated to you in my telegram under reference. This paragraph does not, however, affect the interests of British nationals.

I have, &c.,
MILNER.

Enclosure in No. 346.

SIR,

Foreign Office, S.W.1, 25th May, 1920.

As you are no doubt aware, negotiations were begun in Paris in the autumn of last year between the British Delegation to the Peace Conference and the [Polish] [Czecho-Slovak] [Greek] [Roumanian] [Serb-Croat-Slovene] Delegation for the conclusion of a bilateral Treaty between His Majesty's Government and the [Polish] [Czecho-Slovak] [Greek] [Roumanian] [Serb-Croat-Slovene] Government regarding the property, rights and interests of British and [Polish] [Czecho-Slovak] [Greek] [Roumanian] [Serb-Croat-Slovene] nationals, under the terms of the treaties of peace.

2. Having regard to the time which has elapsed since the drafts of these treaties were originally drawn up in Paris and discussed with the technical representatives of your Government, His Majesty's Government have felt very doubtful whether it is any longer in the interests either of [Poland] [Czecho-Slovakia] [Greece] [Roumania] [Jugo-Slavia] or of this country to include in the agreements the provisions originally proposed relating to the dissolution of pre-war contracts. Commercial intercourse has now long been re-established with the territories transferred from enemy Powers, and in many cases a settlement will have been reached regarding such contracts by voluntary agreement between the parties, which it would be undesirable to reopen. Having regard to all the circumstances, His Majesty's Government have considered it best to recast entirely Article 8 of the proposed Treaty.

3. Other small alterations have been made in the draft text after discussion with the various departments of His Majesty's Government concerned. In particular the terms of the Treaty, as now drafted, embrace the interests of all British nationals.

4. I now have the honour to transmit to you herewith a copy of the amended draft and to ask whether your Government would be willing to conclude an agreement in this form with His Majesty's Government and whether they would, in that

* No. 339. † Not reprinted.

case, send you the necessary instructions for the signature of the agreement in London.

I have, &c.,

Prince Eustace Sapieha,
etc., etc., etc.
Dr. Ferdinand Veverka,
etc., etc., etc.
Monsieur Demetrius Caclamanos,
etc., etc., etc.
Prince Antoine Bibesco,
etc., etc., etc.
Monsieur Michel Gavrilovitch,
etc., etc., etc.

(2). Agreement as to Restitution of Property, etc. under Article 297
Treaty of Peace with Germany.
(Treaty Series, 1921, No. 1.)

62316

No. 347.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 5.50 p.m., 16th December, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

16TH DECEMBER. In order to facilitate immediate restitution of British property at present held in Germany in return for certain concessions as to German property under control of His Majesty's Government, proposed to enter into agreement with Government of Germany to be signed not later than 28th December, of which following summary:—

Begins: Article I. Departments established United Kingdom and Germany for settlement of matters relating to property will immediately appoint representatives Berlin and London who will constitute offices there.

Article II. Property of British nationals in Germany which has been subjected to exceptional war measures but not completely liquidated shall be restored immediately on application in accordance with provisions of Article 297 (a), free of charges for liquidation, administration, etc. Remainder of Article concerned with details as to method of application.

Article III. Where prohibition or restriction exists upon exportation from Germany of British property detained Germany during War, licence to export such property free of all conditions shall be issued by competent German authority.

Article IV deals with claims by private persons in respect of expenses incurred in maintenance, safe-keeping, and administration of British property in Germany. It provides that—

(a) In the case of claims constituting debts within scope of Clearing Offices British Clearing Office will guarantee to credit to German Clearing Office such sums as may be admitted or found due, without taking advantage of exceptions contained in paragraph (b) of Article 296, and paragraph 4 of Annex thereto.

(b) Claims in respect of period up to 10th January, 1920, not falling within scope of Clearing Offices will be met by German Government under paragraph (i), Article 297. Any amounts admitted or found due from British nationals by Mixed Arbitral Tribunal, to whose decision

they shall in case of dispute be submitted, in respect of such claims will be credited to German Government in account relating to German property, rights and interests.

(c) Claims in respect of period after 10th January, 1920, if not admitted by owner, will be submitted for decision to Mixed Arbitral Tribunal, and British Clearing Office will guarantee payment of any amounts admitted or found due from British nationals by the Tribunal.

Obligation of German Government to restore property free of any private lien shall not apply to any property in respect of which British Office declines to apply provisions of this Article.

Article V contains details as to preparation of statements showing condition of property restored.

Article VI states that without prejudice to rights of His Majesty's Government or owner under paragraphs 8 and 13 Annex, Section IV, Part X, Treaty of Versailles, delivery of documents referred to under Article 13 Annex, relating to property, etc., falling within Article 297 (a) shall not ordinarily be required until restitution of property. Remainder of Article deals with details as to supply of information and presentation of documents.

Article VII provides that in all relations with German authorities under preceding Articles British nationals may act personally or through Clearing Office or other authorized agent.

Article VIII states that signature by claimant to any kind of document in connexion with restitution of property shall not, unless expressly agreed, prejudice any right to compensation which he may have under Treaty of Versailles.

Article IX concerned with entries in Public Registers, etc., necessary to complete or validate restitution of property.

Article X deals with determination of claims for compensation by British nationals which have been notified to Mixed Arbitral Tribunal.

Article XI provides that British Government will be prepared, on application from German Office, London, to release from charge established under Treaty of Peace, household furniture and effects, personal belongings and family souvenirs and implements of trade belonging to German nationals, with exception of articles of special value, up to £500, in addition to amount of charges for their conservation and insurance incurred after 4th August, 1914, and up to date of their release, in any case where competent German authority certifies that income of applicant does not exceed equivalent of £400 a year at current rate of exchange. Application for such release to be made within six months of ratification of agreement. This Article further provides that subject to right of British authorities to refuse permission in any particular case, and to laws for the time being in force, German nationals will be permitted on request conveyed to British Clearing Office to bid at any sale by auction of their property in the United Kingdom.

Article XII concerned with detailed provisions for carrying out of Article XI and Article XIII, with furnishing of information as to German property liquidated, sold or registered with Custodian in United Kingdom, and as to disposal of books of account of businesses liquidated in United Kingdom.

Article XIV provides that where property, etc., of German nationals, or proceeds thereof not being debts within Article 296, are or have been released from charge created under Section 4, Part X, the German Office, London, will be notified by British Clearing Office, and property or proceeds will not be accounted for through Clearing Office.

Article XV contains ratification clause, and provides that pending ratification Agreement shall be brought into force as far as administrative action possible. *Ends.*

Text of Draft Agreement being sent by mail.

In view of difficulty of arranging agreement which would take into account any diversity of circumstances (such as non-adoption of Clearing Office system or

arrangements already contemplated for restoring German property in Dominion) between United Kingdom and any of Dominions which desired similar arrangements, it is proposed to limit agreement to United Kingdom and leave case of any Dominion desiring to adopt arrangement, with or without modifications, to be dealt with by separate agreements.—MILNER.

62316

No. 348.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 6.25 p.m., 16th December, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

16TH DECEMBER. Confidential. My telegram of 16th December.* It will be observed that proposed agreement with Government of Germany as worded refers to "British nationals" without qualification as to country of residence. Established policy of His Majesty's Government is to hold that rights conferred by existing Commercial Treaties on British subjects generally enure to benefit of all British subjects, even if connected by birth or residence with part of Empire to which Treaty does not apply; but this standpoint cannot be adopted in case of new Treaties if foreign Power concerned objects and objections cannot be overcome. In present case it seems clear that Government of Germany will object to benefit of agreement enuring to British nationals resident in part of British Empire whose Government does not confer reciprocal privileges, and in the circumstances it would be difficult to overcome such objections. But if British nationals resident in self-governing Dominions are to be treated as outside scope of Agreement it is desirable, in order that position under existing Treaties may not be prejudiced, that this result should not appear to be corollary to exclusion of Dominions from scope of Agreement but rather as outcome of special arrangement. Considered that this could best be effected by exchange of notes stating specifically that it is agreed that stipulations of agreement relative to British nationals cannot be invoked in respect of British nationals ordinarily resident and British companies incorporated in part of Empire to which agreement does not extend.—MILNER.

ROUMANIA.

(1) Treaty of 1919 (Minorities.)
(Treaty Series, 1920, No. 6.)

13788

No. 349.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

Dominions, No. 127.)

[MY LORD], [SIR].

Downing Street, 25th March, 1920.

I HAVE the honour to transmit to [Your Excellency] [you] for the information of your Ministers [copies] [a copy] in French, English, and Italian, of the Treaty between the Principal Allied and Associated Powers and Roumania, signed at Paris,

* No. 347.

177

December 9th, 1919, together with copies of a Parliamentary Paper [Cmd. 588] containing the English text of the Treaty.

I have, &c.,
(for the Secretary of State)
L. S. AMERY.

35700

No. 350.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 10.30 a.m. 23rd July, 1920.)

TELEGRAM.

[Answered by Nos. 351, 352, 353, and 354.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

23RD JULY. My despatch of 25th March, Dominions, No. 127.* Should be glad to learn as soon as possible whether your Ministers agree to His Majesty ratifying Roumanian Minorities Treaty.—MILNER.

37445

No. 351.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.58 a.m., 29th July, 1920.)

TELEGRAM.

28TH JULY. Your telegram 23rd July.† My Ministers agree to His Majesty ratifying Roumanian Minorities Treaty.—BUXTON.

37446

No. 352.

NEW ZEALAND.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 10.20 a.m., 29th July, 1920.)

TELEGRAM.

29TH JULY. Your telegram 23rd July.† Government of New Zealand agrees to ratification by His Majesty of the Roumanian Minorities Treaty.—STOUT.

37599

No. 353.

CANADA.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 6.43 p.m., 29th July, 1920.)

TELEGRAM.

29TH JULY. Your telegram 23rd July.† My Ministers concur in His Majesty ratifying Roumanian Minorities Treaty.

* No. 349.

† No. 350.

39508

No. 354.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.20 p.m., 9th August, 1920.)

TELEGRAM.

9TH AUGUST. Your telegram 23rd July,* ratification of Roumanian Minorities Treaty; my Ministers agree.—GOVERNOR-GENERAL.

Note.—The Treaty was ratified by Japan on 13th October, 1920.

(2). Treaty regarding Bessarabia, 1920.

49729

No. 355.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.10 p.m., 9th October, 1920.)

TELEGRAM.

[Answered by Nos. 356, 357, 358, and 359.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

9TH OCTOBER. Urgent. Bessarabian Treaty, see my telegram of 6th July,† now nearly ready for signature. Final text not yet received from Paris, but according to first draft, which alone available London, sovereignty of Roumania recognized over Bessarabia and guarantees of liberty and justice ensured by Roumania to inhabitants. Remaining articles concerned mainly with questions relating to future nationality of nationals of former Russian Empire habitually resident in Bessarabia and with assumption by Roumania of proportional part affecting Bessarabia of Russian public liabilities. Please telegraph whether Ministers agree to signature on their behalf.—MILNER.

50657

No. 356.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 p.m., 12th October, 1920.)

TELEGRAM.

12TH OCTOBER. Your telegram of 9th October,‡ Ministers have no objection to His Majesty's Ambassador at Paris signing Treaty on their behalf.—INNES.

50851

No. 357.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.43 a.m., 14th October, 1920.)

TELEGRAM.

14TH OCTOBER. Your telegram 9th October,‡ Government of Commonwealth of Australia agrees signature of Bessarabian Treaty.—GOVERNOR-GENERAL.

* No. 350. † See No. 289. This stated *inter alia* that the Bessarabian Treaty would be ready for signature shortly. ‡ No. 355.

50970

No. 358.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.30 p.m., 14th October, 1920.)

TELEGRAM.

14TH OCTOBER. Your telegram 9th October.* In accordance with my despatch 17th July, No. 483,† Government of Canada, on 8th July, passed minute of Council authorizing His Majesty's Ambassador at Paris, in the absence of Sir George Perley, to sign on behalf of Canada minor conventions, treaties, etc., arising out of Peace Settlement. As Sir George Perley is at present in this country it is desired that His Majesty's Ambassador at Paris or, in the absence of Ambassador, Chargé d'Affaires be requested to sign Bessarabian Treaty on behalf of Dominion of Canada.—DEVONSHIRE.

51089

No. 359.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.40 a.m., 16th October, 1920.)

TELEGRAM.

16TH OCTOBER. Your telegram 9th October,* Government of New Zealand agrees to the Bessarabian Treaty being signed on its behalf by His Majesty's Ambassador at Paris.—JELlicoe.

58598

No. 360.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.35 p.m., 1st December, 1920.)

TELEGRAM.

[Answered by Nos. 361, 362, 363, and 365.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

1ST DECEMBER. My telegram, 9th October,* Bessarabian Treaty. See my telegram 18th November,‡ Hungarian Treaty. Proposed that these two Treaties should be ratified simultaneously. Should be glad to know as soon as possible, by telegraph, whether your Ministers agree to ratification of Bessarabian Treaty by His Majesty the King.—MILNER.

59723

No. 361.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.10 p.m., 5th December, 1920.)

TELEGRAM.

4TH DECEMBER. Your telegram of 1st December,§ Bessarabian Treaty. My Ministers agree to ratification by His Majesty the King.—ARTHUR FREDERICK.

* No. 355. † 37592: not printed. (See No. 290). ‡ See No. 258. § No. 860.

59959

No. 362.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.40 p.m., 6th December, 1920.)

TELEGRAM.

6TH DECEMBER. From my Prime Minister: your telegram 1st December.* Government of Canada has no objection to simultaneous ratification of Bessarabian and Hungarian Treaties.—DEVONSHIRE.

59956

No. 363.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.10 a.m., 7th December, 1920.)

TELEGRAM.

YOUR telegram, 1st December.* Government of New Zealand agree to ratification of Bessarabian Treaty by His Majesty the King.—JELlicoe.

58749

No. 364.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 494.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[SIR,] [MY LORD,] [MY LORD DUKE,] Downing Street, 7th December, 1920.
[Not to Newfoundland: With reference to my despatch Dominions Treaty No. 47† of the 13th of November] I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a printed copy of [Not to Newfoundland: the Bessarabian Treaty] [To Newfoundland: a Treaty relating to Bessarabia] as signed at Paris on the 28th of October, 1920.

I have, &c.,
MILNER.

60096

No. 365.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 8th December, 1920.)

TELEGRAM.

8TH DECEMBER. Your telegram, 1st December.* Government of Commonwealth of Australia agree to ratification of Bessarabian Treaty by His Majesty the King.—GOVERNOR-GENERAL.

* No. 360. † 58905: not printed. This enclosed a preliminary copy of the Treaty.

SERB-CROAT-SLOVENE STATE.

Treaty of 1919.

(Treaty Series, 1919, No. 17.)

58337

No. 366.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 783.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 17th October, 1919.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, [two copies] [one copy] in French, English and Italian, of the Treaty* between the principal Allied and Associated Powers and the Serb-Croat-Slovene State, signed at St. Germain, on 10th September, 1919.

I have, &c.,
MILNER.

66523

No. 367.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 10.40 a.m., 27th November, 1919.)

TELEGRAM.

[Answered by Nos. 368, 369, 370, and 371.]

(Extract.)

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

27TH NOVEMBER. In view of present precarious situation in Central and South Eastern Europe His Majesty's Government are anxious that Treaty with Austria and other connected Treaties should be ratified as soon as possible, and as soon as legislation in regard to Austrian Treaty on lines of that in regard to German Treaty has been passed by Parliament here, they would be glad to be in a position to advise His Majesty the King to ratify Serb-Croat-Slovene Treaty contained in my despatch of 17th October, Dominions No. 783.†

His Majesty's Government would be glad to know as soon as possible whether your Ministers concur in proposed ratification. Please telegraph reply.—MILNER.

68323A

No. 368.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 a.m., 30th November, 1919.)

TELEGRAM.

29TH NOVEMBER. My Ministers concur in proposed ratification of Serb Treaty. Necessary Order in Council will be approved this day or Monday.—DEVONSHIRE.

* Treaty Series, 1919, No. 17. † No. 366.

70373A

No. 369.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.0 a.m., 11th December, 1919.)

TELEGRAM.

10TH DECEMBER. Your telegram 27th November;* Ministers concur in proposed ratification of Serb-Croat-Slovene Treaty.—Buxton.

71010A

No. 370.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.11 a.m., 13th December, 1919.)

TELEGRAM.

13TH DECEMBER. With reference to your telegram 27th November,* my Government concurs in ratification by His Majesty the King of the Treaty with Austria and other connected Treaties.—LIVERPOOL.

1644A

No. 371.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.0 a.m., 9th January, 1920.)

TELEGRAM.

9TH JANUARY. Your telegram 27th November;* Government of Commonwealth of Australia concurs in proposed ratification of Serb-Croat-Slovene Treaty.—GOVERNOR-GENERAL, AUSTRALIA.

Note.—The Treaty was ratified by the Serb-Croat-Slovene State on 16th July, by the British Empire on 17th August, Japan on 13th October, Italy on 15th December, 1920. The Dominions were notified at the time.

SLESVIG.

Treaty transferring sovereignty of portion of to Denmark.

(League of Nations Treaty Series, Vol. II No. 3.)

31663

No. 372.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.45 p.m., 29th June, 1920.)

TELEGRAM.

[Answered by Nos. 373, 374, 375, and 376.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

29TH JUNE. Urgent. Now that plebiscite has been carried out in Schleswig area, sovereignty of portion to be transferred to Denmark in accordance with last

* No. 367.

sentence of Article 110, Treaty of Peace with Germany, must be conveyed by subsidiary treaty. Convention also being prepared dealing with other matters as stipulated Article 114, such as nationality and transfer of obligations.

Danish Government represent that internal troubles are to be apprehended unless sovereignty transferred at once, and Allies anxious to sign necessary instruments without delay. Please telegraph name of representative to sign on behalf of your Government.—MILNER.

32741

No. 373.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.55 a.m., 4th July, 1920.)

TELEGRAM.

4TH JULY. Your telegram 29th June.* Sir James Allen, High Commissioner for New Zealand, nominated to sign on behalf of New Zealand subsidiary treaty in connexion with Schleswig.—LIVERPOOL.

32738

No. 374.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.55 a.m., 5th July, 1920.)

TELEGRAM.

2ND JULY. Urgent. Your telegram 29th June.* Ministers state that High Commissioner in London will be asked to sign on behalf of Government of Union of South Africa necessary instrument in connexion with transfer of portion of Schleswig to Denmark.—Buxton.

33030

No. 375.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.45 p.m., 5th July, 1920.)

TELEGRAM.

5TH JULY. Your telegram 29th June;* proposed Convention to transfer sovereignty of portion of Schleswig to Denmark. My Ministers represent that Honourable Sir George Perley, K.C.M.G., High Commissioner for Canada in London, has been designated as representative of Government of Canada to sign such Convention on behalf of Canada. Recommendation to this effect is now before Governor-General in Council.—DEVONSHIRE.

33231

No. 376.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.11 p.m., 6th July, 1920.)

TELEGRAM.

6TH JULY. Your telegram 29th June;* transfer Schleswig to Denmark. High Commissioner for Australia will sign on behalf of Australia.—FERGUSON.

* No. 372.

37218

No. 377.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 314.)

[SIR,] [MY LORD,] Downing Street, 4th August, 1920.
[To all except Newfoundland: With reference to my telegram of the 29th of June,* and connected correspondence,] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, [copies] [a copy] of the Treaty between the Principal Allied Powers and Denmark relating to Slesvig, signed at Paris on the 5th of July, 1920.†

I have, &c.,
MILNER.

44654

No. 378.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12 noon, 10th September, 1920.)

TELEGRAM.

[Answered by Nos. 379, 380, 381, and 382.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

10TH SEPTEMBER. My despatch 4th August, Dominions No. 314.† Should be glad to learn whether your Ministers agree to His Majesty ratifying Slesvig Treaty.—MILNER.

46540

No. 379.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.43 p.m., 18th September 1920.)

TELEGRAM.

[Answered by No. 383.]

17TH SEPTEMBER. Your telegram, 10th September.‡ My Ministers agree to His Majesty the King ratifying Slesvig Treaty.—INNES.

46711

No. 380.

NEW ZEALAND.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 4.30 a.m., 21st September, 1920.)

TELEGRAM.

[Answered by No. 383.]

21ST SEPTEMBER. Your telegram 10th September,‡ Government of New Zealand agree to ratification of Slesvig Treaty.—STOUT.

* No. 372. † No. 377. ‡ No. 378. § Published in League of Nations Treaty Series, Vol. II, No. 3.

48646

No. 381.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.30 a.m., 2nd October, 1920.)

TELEGRAM.

[Answered by No. 383.]

2ND OCTOBER. Your telegram 10th September,* ratification of Slesvig Treaty. Government of Commonwealth of Australia agrees.—GOVERNOR-GENERAL.

52309

No. 382.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 p.m., 23rd October, 1920.)

TELEGRAM.

[Answered by No. 383.]

23RD OCTOBER. Your telegram 14th October;† Government of Canada agreeable to ratification of Slesvig Treaty.—DEVONSHIRE.

61716

No. 383.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 518.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 24th December, 1920.
WITH reference to [your] [your predecessor's] telegram of the [23rd October,] [2nd October,] [21st September,] [17th September,‡] [my despatch, Dominions No. 314, of the 4th August,§] I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that His Majesty's Ambassador at Paris has reported that ratifications of the Slesvig Treaty, signed on the 5th July, were deposited by the British Empire, Italy, France, Japan (by telegraph), and Denmark, on the 15th December, and that on the same day the usual *procès-verbal* of ratification was also signed whereby the Treaty is brought into force.

I have, &c.,
MILNER.

* No. 378. † 50771: reminder. ‡ Nos. 379, 380, 381, 382. § No. 377.

SPAIN.

Commercial Arrangements.

52369

No. 384.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.40 pm., 9th September, 1919.)

TELEGRAM.

[Answered by No. 385.]

IN connexion with previous correspondence relative to withdrawal of Commonwealth from commercial treaties and arrangements binding on the Dominions, it would appear that a number of Anglo-Spanish treaties from 1667 onwards impose obligations on Dominions to accord national or most-favoured-nation treatment to Spanish ships and goods, and in particular that the exchange of notes of June, 1894, definitely guarantees most-favoured-nation treatment to products of Spain in British Colonies. If position is as stated above, Commonwealth Government desire that immediate notice be given to Government of Spain of withdrawal of Commonwealth from arrangements of 1894 referred to, and that at the same time request be made for formal declaration that the Government of Spain does not regard any of the Anglo-Spanish commercial treaties as imposing on the Commonwealth any obligations as regards national or most-favoured-nation treatment of ships or goods.—FERGUSON.

55546

No. 385.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.15 p.m., 30th September, 1919.)

TELEGRAM.

Your telegram 9th September.* Spanish Government being informed that Commonwealth Government desire to withdraw from commercial arrangement with Spain, 1894. Treaties with Spain before 1845 held not to apply to His Majesty's dominions overseas.—MILNER.

57747

No. 386.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 375.)

SIR,

Downing Street, 15th October, 1919.

With reference to my telegram of the 30th of September,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch to His Majesty's Chargé d'Affaires, Madrid, regarding the desire of the Commonwealth Government to withdraw from the commercial arrangement with Spain of June, 1894.

I have, &c.,

MILNER.

* No. 384.

† No. 385.

Enclosure in No. 386.

(No. 338. Commercial.)

SIR,

Foreign Office, S.W.1, 7th October, 1919.

With reference to my despatch No. 316, Commercial, of the 3rd ultimo, I have to inform you that the Government of the Commonwealth of Australia desire to withdraw from the commercial agreement with Spain of June, 1894.

2. There is no commercial treaty between His Majesty's Government and the Spanish Government, as you are aware, but by an exchange of notes in June, 1894, His Majesty's Government undertook to grant, on a basis of reciprocity, to Spain and her Colonies most-favoured-nation treatment in Great Britain and her Colonies. It is, however, open to any British Colony to withdraw from this arrangement on notice to this effect being given to the Spanish Government by His Majesty's Ambassador at Madrid.

3. I request, therefore, that you will inform the Spanish Government to this effect, and that you will forward to me a copy of the note which you address to the Spanish Government on the subject.

I am, &c.,

(for Earl Curzon of Kedleston).

D. Craekanthorpe, Esq.,

&c. &c. &c.

62181

No. 387.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 411.)

SIR,

Downing Street, 11th November, 1919.

With reference to my despatch No. 375 of the 15th of October,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Note from His Majesty's Ambassador at Madrid to the Spanish Government regarding the desire of the Commonwealth Government to withdraw from the commercial arrangement with Spain of June, 1894.

I have, &c.,

MILNER.

Enclosure in No. 387.

(No. 281.)

YOUR EXCELLENCY,

Madrid, 18th October, 1919.

As Your Excellency is aware, His Majesty's Government undertook, by an exchange of Notes effected in June, 1894, to grant, on a basis of reciprocity, to Spain and her Colonies most favoured nation treatment in Great Britain and her Colonies. Under the arrangement thus concluded it is, however, open to any British Colony to withdraw therefrom on notice to this effect being given to the Spanish Government by His Majesty's Ambassador at Madrid.

Acting under instructions which I have received from His Majesty's Principal Secretary of State for Foreign Affairs, I have now the honour to inform Your Excellency that the Government of the Commonwealth of Australia has expressed the desire to withdraw from the commercial agreement with Spain of June, 1894.

I avail myself, &c.,

A. H. HARDINGE.

His Excellency

Marques de Lema,

Minister of State.

* No. 386.

5212

No. 388.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 60.)

SIR, Downing Street, 14th February, 1920.
 With reference to my despatch No. 411 of the 11th of November, 1919,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a note from the Spanish Ministry of Foreign Affairs regarding the decision of the Commonwealth Government to withdraw from the commercial arrangement with Spain of June, 1894.

I have, &c.,
 (for the Secretary of State),
 L. S. AMERY,

Enclosure in No. 388.

(Translation.)

Ministry of Foreign Affairs, Madrid,
 5th January, 1920.

SIR, In reply to your note of 18th October last, with reference to the desire of the Australian Confederation Government to withdraw from the Agreement made in July, [?June] 1894, I have the honour to inform Your Excellency that H.M. Government have taken due note of the decision of the Government of the Australian Confederation to separate itself from that Agreement, and the Finance Minister has informed the Custom Houses of the Kingdom of that fact for the corresponding effects.

I beg to renew to Your Excellency the assurance of my highest consideration.
 MARQUIS DE LEMA.

His Excellency
 Sir Esmé Howard,
 H.B.M. Ambassador.

SPITZBERGEN.

(League of Nations Treaty Series, Vol. II, No. 1.)

48202

No. 389.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5 p.m., 27th August, 1919.)

TELEGRAM.

[Answered by Nos. 390 and 399.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

(Extract.)

27TH AUGUST. General peace settlement will probably include Convention relating to Spitzbergen. In accordance with precedent adopted in regard to Polish treaty, etc., proposed that this Convention, as part of general settlement, should be entered into in name of British Empire, and should be signed by representatives of Dominions and India. Negotiation of Arms and Liquor Conventions began before Dominion representatives left Paris. This, however, not the case as regards Spitzbergen Convention and Convention for revision of Berlin and Brussels Acts. As to Spitzbergen Convention further telegram will be sent. * * * *

Similar telegram sent to other Dominions.—MILNER.

* No. 387.

52069

No. 390.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.47 p.m., 8th September, 1919.)

TELEGRAM.

Your telegram, 27th August.* My Ministers agree to Convention being entered in name of British Empire and to leave to Imperial Government the determination of all matters referred to.—LIVERPOOL.

54300

No. 391.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.30 p.m., 27th September, 1919.)

TELEGRAM.

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

27TH SEPTEMBER. Referring to my telegram of 27th August,* position as regards Spitzbergen Convention as follows. Committee appointed by Supreme Council, 7th July, has now reported recommending recognition of sovereignty of Norway over Spitzbergen Archipelago, including Bear Island. Report approved 24th September, by Council of Five, and proposed that Treaty shall now be communicated officially to Norwegian Government and subsequently to other Governments concerned in order to ascertain definitely whether they will sign it. Text of draft Treaty follows by mail.—MILNER.

54300

No. 392.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 469.)
 (Commonwealth of Australia. No. 371.)
 (New Zealand. No. 176.)
 (Union of South Africa. No. 515.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 7th October, 1919.

WITH reference to my telegram of 27th September,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of the Report on Spitzbergen by the Committee appointed by the Supreme Council in Paris, together with the English text of the draft Treaty and Annex A referred to in Article 6.‡

I have, &c.,

MILNER.

* No. 389. † No. 391. ‡ Not printed. The Treaty is published in the League of Nations Treaty Series, Volume II, No. 1.

70217

No. 393.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.20 p.m., 19th December, 1919.)

TELEGRAM.

[Answered by Nos. 394, 395, and 397.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

19TH DECEMBER. My telegram of 27th September,* Spitzbergen Treaty, now communicated to Norwegian Government, which has accepted it, and French Government have invited assent of other Governments concerned. Final text of Treaty, which follows by mail, provides that Treaty will come into force, in so far as stipulations of Article 8 are concerned, from date of ratification by all signatory Powers, and in all other respects on same date as mining regulations provided for in that Article. No other substantial variation from text enclosed in my despatch of 7th October,† Considered of great importance that original signatures should include those affixed on behalf of British Empire, and for this purpose assent of Treaty required before 17th January. Preamble provides for signature by Dominions and India. Please telegraph, with least possible delay, whether your Ministers agree to assent to Treaty and, if so, whom they wish to nominate to sign it as their representative.—FOR THE SECRETARY OF STATE.

72833

No. 394.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 a.m., 23rd December, 1919.)

TELEGRAM.

22ND DECEMBER. Your telegram 19th December,‡ Government of New Zealand assents to Spitzbergen Treaty and nominates High Commissioner for New Zealand to sign as their representative.—LIVERPOOL.

72987

No. 395.

CANADA

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 24th December, 1919.)

TELEGRAM.

23RD DECEMBER. Your telegram 19th December,‡ respecting Spitzbergen Treaty. Government of Canada have to-day authorized Sir George Perley to sign on behalf of Canada.—DEVONSHIRE.

* No. 391. † No. 392. ‡ No. 393.

191

72647

No. 396.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.30 p.m., 30th December, 1919.)

TELEGRAM.

[Answered by Nos. 398 and 400.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Newfoundland.)

30TH DECEMBER. Confidential. My telegram, 19th December,* Spitzbergen Treaty. It is proposed when notifying French Government of intention to sign to add formal declaration that His Majesty's Government will not recognize any limit of territorial waters other than three mile limit. Matter is one to which Admiralty attach great importance from naval point of view.—FOR THE SECRETARY OF STATE.

73978

No. 397.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.5 p.m., 30th December, 1919.)

TELEGRAM.

30TH DECEMBER. Your telegram 19th December,* Spitzbergen Treaty. My Ministers assent to treaty and would be glad if Acting High Commissioner in London could be asked to sign on behalf of Union of South Africa.—BUXTON.

2187

No. 398.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.5 a.m., 13th January, 1920.)

TELEGRAM.

9TH JANUARY. Your telegram 30th December, Confidential,‡ Spitzbergen Treaty. Ministers see no objection to declaration regarding territorial waters.—BUXTON.

2185

No. 399.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.42 a.m., 13th January, 1920.)

TELEGRAM.

13TH JANUARY. With reference to your telegrams 27th August‡ and subsequent dates, Spitzbergen Treaty, my Government agrees to signature of treaty and nominates High Commissioner for Australia in London to sign as its representative.—FERGUSON.

* No. 393. † No. 396. ‡ No. 389.

8022

No. 400.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7 a.m. 13th February, 1920.)

TELEGRAM.

[Answered by No. 401.]

12th FEBRUARY. Your telegram 30th December,* Spitzbergen Treaty. My Ministers represent that on the presumption that formal declaration of His Majesty's Government against recognition of territorial waters other than three mile limit which it is proposed to add will not be interpreted to apply to waters outside areas affected by this Treaty, Government of Canada does not object to declaration in question.—DEVONSHIRE.

8971

No. 401.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.15 a.m. 21st February, 1920.)

TELEGRAM.

21st FEBRUARY. Your telegram 12th February.† In communication to French Government signifying assent to terms of Spitzbergen Treaty no reservation made in respect of extent of territorial waters. Explanatory despatch follows.—SECRETARY OF STATE FOR THE COLONIES.

8971

No. 402.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.	} Confidential (3).)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 24th February, 1920.

WITH reference to my telegram of 30th December* regarding the Spitzbergen Treaty, I have the honour to request [Your Excellency,] [you,] to inform your Ministers that a few days prior to January 17th, the date by which notification of assent to the Treaty was required, definite information was received from Paris to the effect that a reservation in respect of the extent of territorial waters would not be acceptable to the Norwegian Government, and that if a declaration on the lines suggested in my telegram were included in the notification addressed to the French Government by His Majesty's Ambassador at Paris, the result in all probability would be that the Treaty would fail to go through.

2. In these circumstances it was thought best to omit the proposed reservation from the official communication made to the French Government. It was felt that the omission would in no sense prejudice the position of His Majesty's Government and the Dominion Governments in regard to this matter should the question of territorial waters arise at any future time.

3. [To Canada only: I would invite reference, in this connexion, to your telegram of 12th February† and my reply of the 21st instant.‡]

[To Union of South Africa only: I would invite reference, in this connexion, to your telegram of 9th January.§]

I have, &c.,
(For the Secretary of State).
L. S. AMERY.

* No. 396.

† No. 400.

‡ No. 401.

§ No. 398.

193

36270

No. 403.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.40 p.m., 26th July, 1920.)

TELEGRAM.

[Answered by Nos. 404, 405, 406, and 407.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

26th JULY. Spitzbergen Treaty. Should be glad to know as soon as possible whether your Ministers agree to ratification by His Majesty. Telegraph reply.—MILNER.

37444

No. 404.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.14 a.m., 29th July, 1920.)

TELEGRAM.

28th JULY. Your telegram 26th July.* My Ministers agree to ratification of Spitzbergen Treaty by His Majesty.—BUXTON.

37600

No. 405.

CANADA.

THE ADMINISTRATOR to THE SECRETARY OF STATE

(Received 6.43 p.m., 29th July, 1920.)

TELEGRAM.

29th JULY. Your telegram 26th July,* Government of Canada concur in ratification of Spitzbergen Treaty.—ADMINISTRATOR.

38281

No. 406.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.30 a.m., 3rd August, 1920.)

TELEGRAM.

3rd AUGUST. Your telegram 26th July.* Government of Commonwealth of Australia has no objection to ratification of Spitzbergen Treaty.—FERGUSON.

38282

No. 407.

NEW ZEALAND.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 11.45 a.m., 3rd August, 1920.)

TELEGRAM.

3rd AUGUST. Your telegram 26th July.* Government of New Zealand agrees to ratification of the Spitzbergen Treaty by His Majesty.—STOUT.

* No. 403.

SWITZERLAND.

Commercial Treaty of 1855.

63088

No. 408.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.50 p.m., 4th January, 1919.)

TELEGRAM.

Your telegram 9th December.* Secretary of State for Foreign Affairs informs me that, on ratification of Anglo-Swiss Convention, March, 1914, which did not take place until July, 1915, wishes of Commonwealth Government as to withdrawal were unfortunately overlooked.

His Majesty's Minister at Berne has now been asked to notify Swiss Government of withdrawal of Commonwealth of Australia from Articles IX. and X. of 1855 Treaty.—LONG.

63088

No. 409.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 14.)

SIR, Downing Street, 11th January, 1919.
WITH reference to my telegram of the 4th January,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch which has been addressed by the Secretary of State for Foreign Affairs to His Majesty's Minister at Berne, relative to the withdrawal of the Commonwealth of Australia from Articles IX. and X. of the Treaty of Friendship, Commerce and Reciprocal Establishment with Switzerland, of 1855.

I have, &c.,
WALTER H. LONG.

Enclosure in No. 409.

(No. 81.—Treaty.)

SIR, Foreign Office, S.W.I., December 29th, 1918.
WITH reference to my despatch No. 73, Treaty of 17th July, 1915, regarding the convention between the United Kingdom and Switzerland, of 30th March, 1914, additional to the Treaty of Friendship, Commerce and Reciprocal Establishment, of 6th September, 1855, I request that, in accordance with Article I. of that Convention, you will inform the Swiss Government that it is desired to terminate the operation of Articles IX. and X. with respect to the Commonwealth of Australia, Papua, and Norfolk Island.

You should report the date on which this notification is made to the Swiss Government.

I am, &c.,
(For the Secretary of State),
MAURICE DE BUNSEN.

Sir H. Rumbold, K.C.M.G., M.V.O.,
&c., &c., &c.

* No. 80 in Dominions No. 61. † No. 408.

3552

No. 410.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 38.)

SIR, Downing Street, 28th January, 1919.
IN continuation of my predecessor's despatch No. 14, of the 11th January,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a despatch from His Majesty's Minister at Berne, relative to the withdrawal of the Commonwealth of Australia from Articles IX. and X. of the Anglo-Swiss Treaty of 1855.

I have, &c.,
MILNER.

Enclosure in No. 410.

(No. 4. Treaty.)
(126.)

MY LORD, Berne, 9th January, 1919.
WITH reference to your despatch No. 81 in this series, of the 29th ultimo, relative to the Convention between Switzerland and the United Kingdom of 30th March, 1914, I have the honour to inform you that I have to-day intimated to the Swiss Government that, in accordance with Article I. of that Convention, His Majesty's Government desire to terminate the operation of Articles IX. and X. with respect to the Commonwealth of Australia, Papua, and Norfolk Island.

I have, &c.,
HORACE RUMBOLD.

The Right Honourable
The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

14534

No. 411.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.40 p.m., 18th March, 1919.)

TELEGRAM.

[Answered by No. 413.]

My telegram 4th January.† Swiss Minister has inquired verbally reasons for withdrawal of Commonwealth of Australia from Articles IX. and X. of 1855 Treaty, notice of which was given to Swiss Government 9th January. See my despatch 28th January, No. 38.‡

Swiss Minister also intimated his Government anxious to know intention of Commonwealth Government with regard to commercial dealings in the future between Switzerland and Australia, and to learn whether it is proposed to enter into negotiations on the subject.

Should be glad to know what reply your Ministers would wish to be returned to Swiss Minister's inquiries.—MILNER.

* No. 409. † No. 408. ‡ No. 410.

22502

No. 412.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 8.0 p.m., 14th April, 1919.)

TELEGRAM.

[Answered by No. 413.]

SHOULD be glad to receive an early reply to my telegram of 18th March,* withdrawal of Commonwealth of Australia from Articles IX. and X. of 1855 Treaty. Swiss Minister presses for information.—MILNER.

28000

No. 413.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.20 p.m., 8th May, 1919.)

TELEGRAM.

[Answered by No. 415.]

Your telegram 18th March, your telegram 14th April.† With regard to request by Swiss Minister for a statement of the reasons actuating Commonwealth in withdrawing from Articles IX. and X. of the Anglo-Swiss Treaty of 1855, it is desired that reply be returned that such step is taken solely in pursuance of a policy adopted in 1911 to secure full liberty of action with regard to Customs arrangements and shipping legislation.

It may be mentioned that, in pursuance of that policy the Commonwealth has already secured release from treaties of commerce and navigation existing between Great Britain and twelve several foreign countries, latter including in Europe Denmark, France, Greece, Norway, and Sweden. There remains now, in addition to the treaty with Switzerland only one other such treaty applicable to the Commonwealth. Negotiations are proceeding to obtain release from that.

With reference to the further question as to whether it is the intention of the Commonwealth to enter into negotiations with the Government of Switzerland with regard to future commercial dealings, it is requested that reply be made that on the determination of Articles IX. and X. of the present treaty, the Commonwealth Government will consider any suggestion for commercial concession on a reciprocal basis that the Government of Switzerland may desire to bring forward.—MUNRO FERGUSON.

28000

No. 414.

COMMONWEALTH OF AUSTRALIA.

COLONIAL OFFICE to FOREIGN OFFICE.

Downing Street, 16th May, 1919.

SIR,

WITH reference to your letter of the 12th April,‡ I am directed by Viscount Milner to transmit to you, to be laid before Earl Curzon of Kedleston, a copy of a telegram§ from the Governor-General of the Commonwealth of Australia, on the subject of the withdrawal of the Commonwealth from Articles IX. and X. of the Anglo-Swiss Treaty of 1855.

Lord Milner would suggest that the Swiss Minister should be informed in the sense of this telegram.

* No. 411. † Nos. 411 and 412. ‡ 22502: not printed; asking that a reminding telegram should be sent to the Commonwealth Government: this was sent on 14th April (see No. 412). No. 413.

It will be remembered that the Commonwealth is still bound by the treaties with Morocco, the Argentine Republic, and Venezuela, as well as by the treaty with Italy of 1883, to which the penultimate sentence of the Governor-General's telegram presumably refers.

I am, &c.,

HENRY LAMBERT.

32330

No. 415.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.5 p.m., 13th June, 1919.)

TELEGRAM.

[Answered by No. 416.]

Your telegram 8th May,* Anglo-Swiss Treaty. Swiss Minister anxious that negotiations as regards future commercial relations between Australia and Switzerland should be commenced without waiting till 9th January, 1920.

Should be glad to learn views of your Ministers.—MILNER.

40548

No. 416.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.8 p.m., 9th July, 1919.)

TELEGRAM.

[Answered by Nos. 417 and 419.]

Your telegram 13th June,† Anglo-Swiss Treaty. Decision deferred until question of tariff has been dealt with by Parliament.—FERGUSON.

49288

No. 417.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.30 p.m., 29th August, 1919.)

TELEGRAM.

[Answered by No. 418.]

Your telegram of 9th July.‡ Swiss Government ask that withdrawal of Commonwealth from Articles IX. and X. of Anglo-Swiss Treaty, 1855, may not take effect January, 1920, but may be postponed pending conclusion of new commercial arrangements between Switzerland and Australia. What reply should be sent to Swiss Government?—MILNER.

* No. 413. † No. 415. ‡ No. 416.

52473

No. 418.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 a.m., 10th September, 1919.)

TELEGRAM.

[Answered by No. 419.]

YOUR telegram 29th August.* Withdrawal of Commonwealth from Articles IX and X of Anglo-Swiss Treaty, 1855. Government regrets cannot see its way to concur in suggested postponement.—MUNRO FERGUSON.

61721

No. 419.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

TELEGRAM.

(Sent 6.20 p.m., 29th October, 1919.)

[Answered by No. 420.]

YOUR telegram 9th July,† your telegram 10th September.‡ Swiss Minister inquires when completion revision of tariff may be expected. Please telegraph reply.—MILNER.

63705

No. 420.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.30 a.m., 7th November, 1919.)

TELEGRAM.

YOUR telegram 29th October,§ Swiss inquiries. Proposed to introduce tariff resolution early in first session new Parliament.—MUNRO FERGUSON.

TURKEY.

Treaty of Peace (Sèvres.)

(Treaty Series, 1920, No. 11.)

12096

No. 421.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 p.m., 5th March, 1920.)

TELEGRAM.

[Answered by No. 422.]

5TH MARCH. Great deal of interest in Turkish Treaty negotiations is being manifested in Canada, and since Treaty must be submitted to Parliament for approval, my Ministers feel they should be kept advised on general outline of proposed conditions of peace, especially those relating to territorial readjustments to the Armenians

* No. 417. † No. 416. ‡ No. 418. § No. 419.

and to control of Straits; at present they have little knowledge beyond what appears in Press, notwithstanding my telegram 19th January and my telegram 11th February;* they would be glad to have full report of present position and of proposals now under consideration.—DEVONSHIRE.

12096

No. 422.

CANADA.

THE SECRETARY OF STATE to THE ADMINISTRATOR.

(Sent 7.40 p.m., 23rd March, 1920.)

TELEGRAM.

(Paraphrase.)

SECRET. With reference to your telegram, 5th March,† so far the proposed conditions of Peace with Turkey are for most part of provisional character, and will have to be reconsidered by the Powers when they are presented as a whole. At any moment the conduct of the Turks may compel a drastic revision of terms or a withdrawal of concessions at present in contemplation, just as already the Allied Powers have been compelled to occupy Constantinople, a step they did not anticipate a few weeks ago. It is therefore possible at present to give explicit indications upon two questions only. It is intended to provide in the Treaty:

(a) For the internationalization of the Straits, and for their opening to the free navigation and commerce of the world by the institution of an Allied Board or Commission of Control, on which will be represented the Powers who are principally interested in the shipping or trade of those parts. A zone of territory on both banks of the Dardanelles, Marmora, and Bosphorus will also be demilitarized and placed under the supervision of an Allied Force (French, British, and Italian).

(b) For the constitution of an independent State of Armenia (consisting of those parts of Asia Minor in which, as a general rule, the Armenians are, or will be, in a numerical preponderance), with access to a port on the Black Sea. As to the actual frontiers to be assigned to this State the question is partly dependent upon arrangements that have still to be made between Armenia and her neighbours on the Caucasian side, and as regards the Turkish side, might provoke the very massacres and reprisals which we desire to avoid if accidentally disclosed now.

I shall hope to send you additional information when further progress has been made.—SECRETARY OF STATE FOR THE COLONIES.

12096

No. 423.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

COMMONWEALTH OF AUSTRALIA: NEW ZEALAND:

UNION OF SOUTH AFRICA.

(Sent 7.40 p.m., 23rd March, 1920.)

TELEGRAM.

(Paraphrase.)

23RD MARCH. Secret. Following is repetition, for information of your Ministers, of telegram which I have sent to Canada in response to inquiry as to proposed conditions of Peace with Turkey. Begins:

So far . . . [See No. 422.] . . . when further progress has been made. Ends.
—SECRETARY OF STATE FOR THE COLONIES.

* 3337 and 7846; these telegrams asked for information as to the future disposition of Armenia. They were answered on 21st February (9065/20). † No. 421.

17170

No. 424.

CANADA.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 8.45 a.m., 2nd April, 1920.)

TELEGRAM.

[Answered by No. 425.]

1ST APRIL. Treaty of Peace with Turkey. Following is substance of minute of Council, 29th March. *Begins*: Statesmen of Allied and Associated Powers have repeatedly declared that in settlement of terms of peace, provision must be made for liberation of Armenia from rule of Turk. Although Government of Canada has already drawn attention of His Majesty's Government to public opinion in Canada on this question, my Ministers suggest that Government of Canada should place itself formally on record as absolutely opposed to return of any Armenian province of Turkey to Turkish rule. They further suggest that in view of foregoing, and of obligations which Dominions, as members of League of Nations, may be asked to assume under terms of Treaty necessity of carrying Dominion public opinion with any final action should be attentively considered by His Majesty's Government, and to this end Government of Canada should be kept fully informed as to terms of proposed settlement with Turkey and negotiations now pending with reference to terms of Treaty of Peace with Turkey. *Ends*.

Despatch follows by mail.—ADMINISTRATOR.

18420

No. 425.

CANADA.

THE SECRETARY OF STATE to THE ADMINISTRATOR.

(Sent 6.20 p.m., 10th April, 1920.)

TELEGRAM.

(Paraphrase.)

10TH APRIL. Your telegram of 1st April.* The interest felt in Canada regarding Armenia fully appreciated here. Sympathy with Armenians is equally strong in this country, and all the Allied Powers are anxious to secure them maximum possible of protection and independence. The practical difficulties are, however, very great. Your telegram appears to assume that the Armenian provinces of Turkey are in the hands of the Allies, since you speak of returning them to Turkey. This is not the case. Bulk of Turkish Armenia has never been occupied by the Allies. Demand for cession of all so called Armenian provinces of Turkey, including districts in which Armenian population forms a small minority, is one which no Turkish Government, however submissive to Allies, could accept. Peace would be impossible, and none of the Allied Powers is willing, or indeed able, to occupy by force these distant and inaccessible regions or to hold them when occupied. Attempt to do so would, moreover, certainly bring fresh disasters upon what is left of Armenian population. Hence our efforts are concentrated upon liberating that portion of Turkish Armenia in which Armenian population is most numerous and which adjoins present independent state of Armenia, formerly part of Russian Empire. If this object, which, though not devoid of difficulty, is not impracticable, can be attained, bulk of Armenians will be in freedom and security except for Bolshevik danger. For protection of scattered Armenians in other parts of Turkey we must rely on provisions for protection of minorities generally and on power of Allies by general control of Turkish Government to enforce them.

With regard to concluding portion of your telegram, every effort shall be made to keep you fully informed. All documents which are circulated to the Cabinet on the subject of the Turkish Treaty will be sent to you. The first batch was sent on 31st March.—MILNER.

* No. 424.

19875

No. 426.

CANADA.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 20th April, 1920.)

(No. 206.)

MY LORD,

I HAVE the honour to transmit, herewith, three copies of an approved minute of the Privy Council for Canada on the subject of the attitude of the Dominion regarding the Treaty of Peace with Turkey.

I have, &c.,

L. H. DAVIES,

Administrator.

Ottawa, 1st April, 1920.

Enclosure in No. 426.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 29TH MARCH, 1920.

(P.C. 439.)

The Committee of the Privy Council have had before them a report, dated 20th February, 1920, from the Acting Secretary of State for External Affairs, submitting that in connexion with the settlement of the terms of peace with Turkey, now proceeding in London and Paris, it is expedient to bring to the attention of His Majesty's Government some indications of the Canadian attitude. It is not intended to suggest that Canada has some special interest in this particular question above others growing out of the settlement of the terms of peace with the enemy countries, but since the Treaty, when made, will be made by His Majesty on behalf of the whole British Empire, of which Canada is one of the constituent nations, and the representatives of the Government of Canada will be requested to sign the Treaty on behalf of Canada and the assent of Canada to the terms of the Peace will eventually be required, it is important that the Canadian Government should be kept fully informed as to the negotiations now pending in reference to the terms of the Treaty of Peace with Turkey.

The statesmen of the Allied and Associated Powers have repeatedly declared that in the settlement of the terms of Peace, provision must be made for the liberation of Armenia from the rule of the Turk. Although the Canadian Government has already drawn the attention of His Majesty's Government to public opinion in Canada on this question, the Minister suggests that the Canadian Government should place itself formally on record as absolutely opposed to the return of any of the Armenian provinces of Turkey to Turkish rule.

The Minister further suggests that, in view of the foregoing, and of the obligations which the Dominions as members of the League of Nations may be asked to assume under the terms of the Treaty, the necessity of carrying Dominion public opinion with any final action should be attentively considered by His Majesty's Government, and to this end the Canadian Government should be kept fully informed as to the terms of the proposed settlement with Turkey.

The Committee concurring, advise, on the recommendation of the Acting Secretary of State for External Affairs, that Your Excellency may be pleased to make representations in the above sense to His Majesty's Government.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk to the Privy Council.

20663

No. 427.

CANADA.

THE ADMINISTRATOR TO THE SECRETARY OF STATE.

(Received 10.55 p.m., 22nd April, 1920.)

TELEGRAM.

22ND APRIL. Representatives of Canadian Jewish Congress, which represents Jewish people in Canada, have approached Government of Canada and expressed a desire to associate themselves with their co-religionists in other parts of the world in urging that in settlement of Treaty of Peace with Turkey His Majesty's Government should be made mandatory for Palestine, and have expressed their complete confidence that His Majesty's Government, if made mandatory, will give full effect to declaration made by Mr. Balfour on 2nd November, 1917, to the effect that "His Majesty's Government view with favour establishment in Palestine of national home for Jewish people and will use every endeavour to facilitate achievement of this object, it being clearly understood that nothing shall be done which may prejudice civil or religious rights of existing non-Jewish communities in Palestine, or rights and political status enjoyed by Jews in any other country."

Government of Canada shares hope that His Majesty's Government may be appointed mandatory for Palestine.—ADMINISTRATOR.

21904

No. 428.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 10 a.m., 29th April, 1920.)

TELEGRAM.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

(Secret.)
(Paraphrase.)

28TH APRIL. Prime Minister sends following for your Prime Minister:—

Agreement having been reached on all points, often not without difficulty, the negotiations in regard to the Treaty of Peace with Turkey have now been completed at San Remo. Copies of decisions of earlier conferences as forwarded to drafting committee have been going to you some weeks ago by mail. The general principle on which we have proceeded is to apply the same principles to Turkey as we have applied throughout Europe; that is to say, we have severed territories inhabited by compact majorities of non-Turkish race from the Turkish Empire, and we have, as far as possible, left the boundaries of Turkey those corresponding with the line of the Turkish racial majority. Accordingly, it is proposed to attribute to Greece the whole of European Turkey, as it was in 1914, up to the Chatalja lines. There was in this territory, in 1912, according to the best evidence we can get, a Greek majority over the Turks, though some 200,000 Greeks have since been deported or expelled. Similarly, we propose to give to Greece the control of Smyrna and the district immediately about it, which, before the deportations of 1914, was inhabited by a Greek majority, under an arrangement whereby the territory shall remain under nominal Turkish suzerainty, and Smyrna shall become a free port for the service of the Turkish hinterland. The degree of union of this territory with Greece is to be determined by a plebiscite of the people after five years. Syria, Mesopotamia, Arabia, and Palestine are to be detached from Turkey. The final arrangements in regard to the regulation of their status have not yet been concluded, though it has been agreed that the mandate over Mesopotamia and Palestine should be given to Great Britain, and over Syria to France. Armenia has been the most difficult problem we have had to deal with. The plain fact is that none of the Allied Powers

have got the resources, either in men or money, to take over the mandate for Armenia, while America, which last year we had good reason to hope would interest itself in the future of this people, is unwilling, apparently, to do more than utter pious sentiments, leaving the practical burden of the expense of giving effect to them to others. The Armenians are, of course, scattered over a very large extent of territory, and to constitute an independent Armenia, including the whole or even the greater part of this territory, is clearly impossible. The Allies have, perforce, had to be guided by practical considerations in estimating the extent of the area which can be constituted as an independent Armenian state. Part of the territory which it was suggested should be included in Armenia is still in the occupation of Turkish troops. On the other hand, the relations between Armenia and her Caucasian neighbours have hitherto been the reverse of reassuring, though the Allies have been much preoccupied in endeavouring to harmonize them. It would obviously be incompatible with the interests of Armenia itself to include within its boundaries large territories which contain, and have long contained, a large majority of Musselmen, and which she is probably incapable either of occupying or administering without powerful outside help. It would further be unsound to make territorial arrangements which, in the opinion of their military advisers, the Allies themselves have not the available forces to enforce. The Conference was unable, after long discussion, to agree as to what the boundaries of Armenia on the Turkish side should be, one section of the Conference thinking it essential to give the historic claims and aspirations of the Armenian people practical recognition, the other feeling that unless some outside Power would take the responsibility for protecting the New Armenia, it was unsound, and indeed useless, to include territories inhabited by large Turkish majorities, and still in Turkish occupation within its boundaries. Accordingly, the Conference decided to ask the United States, formally, whether it was prepared to accept a mandate for Armenia and also to refer the question of the boundaries of the Armenian State to President Wilson, including a provision in the Treaty requiring Turkey and Armenia to accept this decision. The boundaries of the independent Armenian republic of Erivan will remain as they exist at present until his award has been given. In any case, however, they propose to give Armenia access to the sea by an arrangement whereby Batoum is to be made a free port for the three Caucasian republics. I ought to add that the Allies approached the League of Nations some time ago with a view to its assuming some responsibility for assisting the new Armenian state. A reply was received which encourages them to hope that the Council of the League might eventually be able to secure the active co-operation of other members of the League in providing the means and the assistance which will make it possible for Armenia to establish itself within the boundaries fixed by the Wilson award, but asking for information and assurances on certain points. They have decided to defer a reply on the points raised by the League of Nations until the answer to their appeal to the United States of America has been received.

The Allies have decided that as regards Constantinople and the Straits the only practical course open to them is to leave Constantinople as the capital of Turkey while internationalizing the Straits and keeping them under permanent Allied control through the military occupation of a zone on both shores of the Sea of Marmora and the two Straits in which Turkey shall be precluded from maintaining troops, except a personal bodyguard for the Sultan. They have come to this decision partly because no other appeared to be practicable with the resources available to the Allies, partly because they considered that the retention of the Government of Turkey in Constantinople, under the Allied guns, would constitute the best available security for the protection of the scattered Greeks and Armenian minorities in Anatolia, and partly because they felt it necessary to give real consideration to the views of the Indian Moslems, whose troops had played so great a part in the overthrow of Turkey, and whose sentiments, it was alleged, would be gravely offended by the ejection of the Sultan from Constantinople. There will also be special provision for the rights of Mohammedans and the Holy places in Adrianople.

Two further arrangements have been made. In the first place a certain number of Allied officers will be drafted into the Turkish Gendarmerie, and the finances of Turkey will be kept under the control of an Allied Commission. In the second place, the three Allied Powers, Italy, France, and Great Britain, have entered into a mutual self-denying ordinance, which will not form part of the Treaty, but which will be signed and published at the same time, whereby they agree not to compete

for economic concessions within certain specified areas of Anatolia. Thus Great Britain and Italy will not compete against France in Cilicia, and France and Great Britain will not compete against Italy in Southern Anatolia. In return, however, the Power which is thus accorded a special position by the other two will assume responsibility for the protection of the minorities within the areas in question. This arrangement will not, of course, prevent the nationals of other Powers from seeking concessions in these territories.

Finally, the Treaty will contain the usual clauses, common to all other Treaties of Peace, in regard to disarmament, minorities, and so forth, the Turkish navy being practically abolished, and the Army being reduced to 50,000 men, of which 35,000 are to be gendarmerie.

I think this will give you a clear idea of the essential parts of the proposed Turkish terms of peace. In taking nationality as the general basis of the peace, it follows the general principles of the other Treaties; it meets the legitimate claims of Armenians, Greeks, Arabs, etc., so far as it is practical, while leaving Turkey as a complete national State, under Allied supervision, and with prospects of progress if it will abandon the ambitions and intrigues of the past and settle down to a civilized life. The Turks have been summoned to Paris on 10th May. They will be presented with the terms of peace as soon as possible thereafter, and will then be given a space of, say, three weeks or so in which to consider their reply. After that the Allies will have to take their final decisions as to the terms which are to be imposed upon them and the methods of enforcing execution which they will adopt.

—MILNER.

Note.—On 5th May, the Governments of Canada, Commonwealth of Australia, New Zealand, and the Union of South Africa were asked whether their High Commissioners would be authorized to sign the Treaty (22486/20). The reply in all cases was in the affirmative.

26268

No. 429.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.	} Dominions No. 221.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 23th May, 1920.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying proof copy of the English text of the conditions of Peace with Turkey,* with maps.

I have, &c.,

MILNER.

53741

No. 430.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.	} Dominions No. 465.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 17th November, 1920.

WITH reference to my despatch No. [517,] [325,] [165,] [344,] [90,] of the 20th of August,† I have the honour to transmit to [Your Excellency,] [you,] to be

* Treaty subsequently published as Treaty Series, 1920, No. 11. † 40283: not printed.
This despatch enumerated the Treaties signed at Sèvres on 10th August, 1920.

laid before your Ministers, copies of the Tripartite Agreement* between the British Empire, France, and Italy, respecting Anatolia, signed on the 10th of August, 1920, and of the Treaty of Peace with Turkey,† as signed on the same date.

I have, &c.,

MILNER.

UNITED STATES OF AMERICA.

(1). Real and Personal Property Convention, 1899.

17448

No. 431.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7th April, 1920.)

[Answered by No. 433.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by the direction of the Secretary of State, transmits herewith copy of a despatch from Washington, No. 394, of 15th March, on the subject of the Convention of 2nd March, 1899, between the United States and Great Britain regarding tenure and disposition of real and personal property.

Foreign Office,
6th April, 1920.

Enclosure in No. 431.

(No. 394.)

SIR,

British Embassy, Washington, 15th March, 1920.

I HAVE the honour to transmit to you, herewith, copies of Washington despatch to Canada, No. 115, of 15th March, 1920, on the subject of the Convention of 2nd March, 1899, between the United States and Great Britain with regard to the tenure and disposition of real and personal property.

I have, &c.,

R. C. LINDSAY.

His Majesty's Principal Secretary of State
for Foreign Affairs.

(No. 115.)

MY LORD DUKE,

British Embassy, Washington, 15th March, 1920.

I HAVE the honour to transmit, herewith, copy of a note which I have received from the State Department, inquiring whether the Government of the Dominion of Canada are disposed to adhere to the Convention concluded on 2nd March, 1899, between the United States and Great Britain with regard to the tenure and disposition of real and personal property. I should be glad to be informed in due course what reply I should return to this note.

A copy of this despatch has been sent to His Majesty's Secretary of State for Foreign Affairs.

I have, &c.,

R. C. LINDSAY.

His Excellency

The Duke of Devonshire, K.G.,

&c., &c., &c.,

Governor-General of Canada.

* Treaty Series, 1920, No. 12.

† Treaty Series, 1920, No. 11.

SIR, Department of State, Washington, 12th March, 1920.
I HAVE the honour to refer to this Department's note of even date relative to the proposed extension to the Hawaiian Islands of the provisions of the Convention concluded on 2nd March, 1899, between the United States and Great Britain with regard to the tenure and disposition of real and personal property.

I have the honour to state that I have received numerous communications asking whether Canada had acceded to the Convention of 2nd March, 1899. As you know, no notice was given on behalf of the Canadian Government, indicating an intention to adhere to this Convention either as provided for in Article IV thereof or under the provisions of the supplementary Convention concluded on 13th January, 1902, between the United States and Great Britain.

I shall be pleased if you will inform me whether your Government is disposed to take up this matter with the Canadian Government with a view to the conclusion of a Convention with this Government whereby the Convention concluded on 2nd March, 1899, between the United States and Great Britain with regard to the tenure and disposition of real and personal property will be extended and made applicable to Canada.

Accept, Sir, &c.,
FRANK L. POLK,
Acting Secretary of State.

The Honourable Ronald C. Lindsay,
Chargé d'Affaires ad interim of Great Britain.

24353

No. 432.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.0 a.m., 16th May, 1920.)

TELEGRAM.

[Answered by Nos. 435 and 438.]

15TH MAY. In connexion with suit, Sullivan et al versus Martin et al, brought in United States District Court of Kansas, First Division, to settle rights in estate of one Margaret Ingoldsby, deceased, in which appeal has been made to United States Supreme Court, correspondence has been carried on between Department of External Affairs and solicitor of Jane Kidd, one of defendants in case, who resides in Canada, as to bearing of Convention between Great Britain and United States relative to disposal of real property and personal property dated 2nd March, 1899. In course of such correspondence he was advised of purport of view expressed by Lord Salisbury as contained in Mr. Secretary Chamberlain's Circular despatch to Governor-General, 2nd December, 1899, to the effect that provision such as is contained in Article 4 of Treaty referred to, excepting Colony or Possession from (?) application of Treaty stipulations, has not effect of limiting rights assured to British subjects generally by such Treaty on account merely of their connexion with non-adhering Colony. He now applies for certified copy of despatch containing this opinion stating that United States Supreme Court has granted delay in cases, in order that this document may be submitted. While it has not been found possible to comply with his request, my Ministers inquire whether Secretary of State for Foreign Affairs would consider it possible to have certified copy of Lord Salisbury's despatch to His Majesty's Minister at Tokio expressing opinion to which reference has been made furnished to His Majesty's Ambassador at Washington, where agent of solicitor referred to might be advised to apply for it.—DEVONSHIRE.

24353

No. 433.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 434.]

SIR.

Downing Street, 21st May, 1920.

WITH reference to your letter of the 6th April* relative to Real and Personal Property Convention with the United States of America, I am directed by Viscount Milner to transmit to you, to be laid before Earl Curzon of Kedleston, copy of a telegram† from the Governor-General of Canada respecting certain legal proceedings in the United States, which raise the question of the position of Canadian British subjects under the Convention.

2. A despatch was addressed to His Majesty's Ambassador at Washington on this subject in 1916 vide the draft enclosed in your letter of the 29th July, 1916.‡

3. A copy of the circular despatch of the 2nd December, 1899, to which allusion is made in the Governor-General's telegram, is enclosed for convenience of reference. Its terms were approved by your letter of the 21st November, 1899. It was based on the opinions given to the Foreign Office by the Law Officers of the Crown on the 23rd January, 1899, and the 13th October, 1899.§ Despatches embodying these opinions were addressed to Sir E. Satow on the 22nd February, 1899, and the 19th October, 1899. I am to inquire whether certified copies of these can be sent to His Majesty's Embassy at Washington for the purpose indicated by the Canadian Government.

4. The matter being of great importance in principle, it is suggested that certified copies might similarly be sent of Sir C. MacDonald's despatch No. 177 of the 5th July, 1912, and Sir H. Rumbold's despatch No. 6 of the 8th January, 1913,|| and the documents enclosed therein, which show that the views of His Majesty's Government in the matter were accepted by the Japanese Government. Mention is made in the third paragraph of your letter of the 27th May, 1914,¶ of the Japanese Government having recently accepted the principle with reference to the position of British Indian subjects under the Industrial Property Convention of 1911. If that acceptance was additional to the acceptances reported in the despatch from Sir H. Rumbold and was embodied in any formal document, it is suggested that a certified copy of this might also be sent.

5. The position of British subjects connected with parts of the Empire which have not adhered to the Convention of 1899 is the same as that of United States citizens connected with United States oversea territories, if any, to which the Convention has not been applied under the second paragraph of Article IV. It would be desirable that this should be mentioned to the Canadian Government, and I am to inquire whether a list of the United States oversea territories to which the Convention has not been applied can be furnished.

6. It will be remembered that in 1913,** and again in 1914,†† the attention of the Canadian Government was drawn to the Circular of 1899, and that they were informed that His Majesty's Government adhered to the views therein expressed (vide the first paragraph of the draft despatch regarding the exclusion of trade marks from the scope of the Anglo-Japanese Treaty of 1911 concurred in by your letter of the 2nd January, 1914‡‡).

I am, &c.,
H. J. READ.

29191

No. 434.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th June, 1920.)

[Answered by No. 436.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to Under-Secretary of State for the Colonies, and, by direction of the Secretary of

* No. 431. † No. 432. ‡ No. 94 in Dominions No. 59. § Nos. 206a and 232a in Vol. V. of Law Officers' Opinions. || Nos. 264 and 362 in Dominions No. 45. ¶ No. 157 in Dominions No. 51. ** No. 377 in Dominions No. 45. †† No. 144 in Dominions No. 51. ‡‡ No. 143 in Dominions No. 51.

State, transmits herewith copy of a despatch to His Majesty's Ambassador at Washington, dated 7th June, 1920, on the subject of the Real and Personal Property Convention between Great Britain and the United States of America.

Foreign Office,
10th June, 1920.

Reference to previous correspondence: Colonial Office letter of 21st May, 1920.*

Enclosure in No. 434.

No. 643 (A3267/1833/45).

SIR,

Foreign Office, S.W.1, 7th June, 1920.

WITH reference to Mr. Lindsay's despatch No. 394 of the 15th March last and to previous correspondence respecting the effects of the Convention of 2nd March, 1899, relative to the disposal of real and personal property, I transmit to Your Excellency herewith a copy of a letter from the Colonial Office respecting certain legal proceedings in the United States, which raise the question of the position of Canadian British subjects under the Convention.

2. Your Excellency will notice that the Governor-General of Canada has requested that you may be furnished, for the information of the parties to this litigation, with certified copies of despatches containing the substance of an opinion given by the Law Officers of the Crown in 1899, to the effect that a provision such as is contained in Article 4 of the Treaty does not have the effect of limiting the rights assured to British subjects generally by such Treaty.

3. The Colonial Office also suggested that various other documents bearing upon this point might be forwarded, but, as a result of subsequent discussions with that Department, it was decided to forward only the two despatches to Tokio.

To Sir E. Satow from Marquis of Salisbury, of 22nd February, 1899, and 19th October, 1899. 4. Certified copies of these two despatches are therefore enclosed herewith, and I shall be obliged if Your Excellency will, on application, furnish them to the solicitor engaged in the case, as requested by the Canadian Authorities.

5. The signature of Mr. Gaselee, Librarian to this Office, will require legalization by Your Excellency before the documents can be made use of.

I am, &c.,
(For the Secretary of State)
R. SPERLING.

His Excellency

The Right Honourable

Sir Auckland C. Geddes, K.C.B., etc., etc., etc.

29191

No. 435.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.55 p.m., 16th June, 1920.)

TELEGRAM.

16TH JUNE. Your telegram 15th May,† Real Property Convention with the United States. Secretary of State for Foreign Affairs has forwarded to British Embassy, Washington, certified copies of two despatches to His Majesty's Minister at Tokio containing substance of Law Officers' opinions referred to in Circular despatch of the 2nd December, 1899.‡

* No. 433. † No. 432. ‡ 30482/99.

29191

No. 436.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 437.]

SIR,

Downing Street, 18th June, 1920.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of the 10th instant,* enclosing copy of a despatch to His Majesty's Ambassador at Washington forwarding copies of the two despatches addressed to His Majesty's Minister at Tokio in 1899 regarding the position under Commercial Treaties of British subjects connected with parts of the Empire to which such Treaties are not applicable.

2. I am to inquire whether the information with regard to the Real Property Convention with the United States indicated in paragraph 5 of the letter from this Department of the 21st ult.† can be furnished.

3. A copy of a telegram‡ which has been sent to the Governor-General of Canada is enclosed.

I am, &c.,
HENRY LAMBERT.

31628

No. 437.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 28th June, 1920.)

SIR,

Foreign Office, S.W.1, 26th June, 1920.

I AM directed by Earl Curzon of Kedleston to acknowledge the receipt of your letter of the 18th instant,§ respecting the Real Property Convention of 1899 with the United States.

2. As regards the position of the overseas territories of the United States under this Convention, I am to state, for the information of the Secretary of State for the Colonies, that Porto Rico acceded to the Convention on 13th September, 1916. The application of the Convention to Hawaii is now under consideration. So far as this Department is aware the Convention has not been applied to any of the other overseas possessions of the United States, and would therefore not apply to Hawaii, the Philippine Islands, Guam, Samoa, the Panama Canal Zone and the Virgin Islands of the United States (formerly the Danish West Indies). Alaska, as non-contiguous territory, should, it is believed, also be included in the list of United States possessions to which the Convention does not apply.

I am, &c.,
H. J. SEYMOUR.

31628

No. 438.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 419.)

MY LORD DUKE,

Downing Street, 16th July, 1920.

WITH reference to Your Excellency's telegram of the 15th of May and my telegram of the 16th of June,|| on the subject of the Real Property Convention with the United States of America, I have the honour to request you to inform your Ministers that, in view of the fact that the position of British subjects connected with parts of the Empire which have not adhered to the Convention is the same as that of United States citizens connected with United States overseas territories, to which the Convention has not been applied under the second paragraph of Article IV., I thought it desirable to ascertain the position in regard to the application of the Convention to the overseas territories of the United States.

* No. 434. † No. 433. ‡ No. 435. § No. 436. || Nos. 432 and 435.

I have now been advised by the Secretary of State for Foreign Affairs that Porto Rico acceded to the Convention on 13th September, 1916, and that the application of the Convention to Hawaii is now under consideration. So far as is known, the Convention has not been applied to any of the other oversea possessions of the United States, and would therefore not apply to Hawaii, the Philippine Islands, Guam, Samoa, the Panama Canal Zone, and the Virgin Islands of the United States (formerly the Danish West Indies). Alaska, as non-contiguous territory, should, it is believed, also be included in the list of United States possessions to which the Convention does not apply.

I have, &c.,
MILNER.

(2.) Sockeye Salmon Fisheries Convention, 1920.

33253

No. 439.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 440.]

(No. 420.)

MY LORD DUKE, Downing Street, 16th July, 1920.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a despatch from His Majesty's Ambassador at Washington forwarding the amended Convention with the United States of America,* signed on the 25th May, relative to the Sockeye Salmon Fisheries. Six copies of the Convention are enclosed.

I should be glad to learn whether it is the desire of your Ministers that steps should now be taken to prepare the King's ratification of the Convention for exchange at Washington as provided by Article 8.

I have, &c.,
MILNER.

Enclosure in No. 439.

(No. 699.)

MY LORD, British Embassy, Washington, 25th May, 1920.

WITH reference to my telegram No. 397, of to-day's date, and my despatch No. 303 Treaty, of 2nd September, 1919, I have the honour to transmit herewith, in original, the amended Treaty signed to-day by the Secretary of State, Sir Douglas Hazen, and myself providing for the protection of the salmon fisheries in the waters contiguous to the Dominion of Canada and the United States, and in the Fraser River system.

The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.
I have, &c.,
A. C. GEDDES.

46413

No. 440.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.30 a.m., 18th September, 1920.)

TELEGRAM.

17TH SEPTEMBER. Your despatch 16th July, No. 420.† Government of Canada think it preferable that ratification of Sockeye Salmon Fisheries Treaty signed at Washington, 25th May, should in the meantime be deferred until it is seen what action United States Senate will take thereon.—DEVONSHIRE.

* Not reprinted.

† No. 439.

VENEZUELA.

Commercial Treaties of 1825 and 1834.

10804

No. 441.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL and GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions, Confidential, No. 174.)
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[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th March, 1919.

WITH reference to my despatch Dominions No. 92, of the 12th February,* and previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a despatch from His Majesty's Minister at Caracas relative to the negotiation of a new Commercial Treaty with Venezuela.

I have, &c.,
MILNER.

Enclosure in No. 441.

(No. 1. Commercial.)

SIR, Caracas, 2nd January, 1919.

ON receipt of your despatch Commercial No. 4, of the 15th of June last,† I did not fail to address a note to the Venezuelan Government, in the terms prescribed, announcing the intention of His Majesty's Government in regard to measures which it may be necessary to adopt during the transitional period after the cessation of hostilities.

I have the honour to transmit to you herewith translation of the reply of the Venezuelan Government who have taken the opportunity offered by the desire expressed by His Majesty's Government to free themselves from certain obligations established by the Treaty of 1825, confirmed in 1834, to state that they are ready to begin negotiations to conclude a new Commercial Treaty.

The existing Treaty is in many respects obsolete and defective. Even the most-favoured-nation clauses, III, IV and IX, are so worded as to leave the extent to which they are applicable obscure, although in practice our right to complete most-favoured-nation treatment has never been disputed, e.g., in regard to the administration of estates of deceased British subjects by Consular Officers, of which there is no mention either in the most-favoured-nation clauses or elsewhere in the Treaty.

The conclusion of a new Treaty has long been desired by the Venezuelan Government, but the question of the thirty per cent. surtax on imports from the Antilles and other reasons, including some objections on the part of His Majesty's Government, have hitherto proved insurmountable obstacles to giving effect to this desire.

I shall be glad to receive instructions as to what answer should be returned to the proposal now put forward.

I have, &c.,
H. D. BEAUMONT.

The Right Honourable

A. J. Balfour, O.M., M.P.,
&c., &c., &c.

* See No. 250.

† See page 54 of Dominions No. 61.

(No. 1403.)

United States of Venezuela,
Ministry of Foreign Affairs,
Caracas, 26th December, 1918.

MONSIEUR LE MINISTRE,

I HAVE received the Note which Your Excellency was so good as to address to me on the 1st September last, and I have read it with the greatest attention.

Your Excellency states that at the beginning of the present War the British Government found it necessary to impose restrictions on the export of certain goods, and that those measures made it necessary to draw a distinction between the countries to which they were to be applied.

Your Excellency observes that His Majesty's Government have always realized that the measures intended to establish differences in the prohibition of exports were not in strict accord with the letter of the Treaty concluded between the Republic of Colombia and Great Britain in 1825 and confirmed in 1834 between Venezuela and Great Britain, Article IV of which provided that "no prohibition whatsoever shall be imposed upon the exportation or importation of any articles the growth, produce, or manufacture of the territories of Colombia or of His Britannic Majesty's Dominions to or from the said territories of Colombia or to or from the said Dominions of His Britannic Majesty, which shall not equally extend to all other nations."

Your Excellency's Note adds that during the period of reconstruction after the termination of hostilities many problems will arise similar and even more urgent than those which have arisen during the War, and Your Excellency says that the measures which Great Britain may feel bound to take for the purpose of assisting her Allies to recover from the effects of the War cannot be foreseen in detail at present, but His Majesty's Government cannot but realize that some of these may run counter to the letter of the provisions of the Treaty of 1825 in that they would not affect equally all foreign nations. His Majesty's Government, however, trust that from the explanations given above the Venezuelan Government will realize that it is the letter only of the Treaty which may be infringed, and not the spirit. Whatever form these special arrangements may take, they will be merely temporary in character, for they will be limited in time to the period of recovery from the War. It will, of course, subject to the above, be the object, as it is the duty, of His Majesty's Government to fulfil to the utmost the obligations which the commercial Treaties by which they are bound impose upon them.

Your Excellency points out also in your Note that His Majesty's Government have given this early indication of their intention because they wish to preserve intact their commercial relations with all friendly nations, and they are anxious to avoid any complaint at a later stage that, if the reconstruction period after the War may necessitate special measures for the benefit of the Allies which were not foreseen at the time the Treaties were negotiated, it was the duty of His Majesty's Government to free themselves from the obligations of the Treaties. In these circumstances His Majesty's Government sincerely hope that the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for disturbing the commercial relations which have so happily and so long endured with the Republic of Venezuela.

In the Note in which Your Excellency states the intention of His Majesty's Government to suspend the effects of the Treaty of 1825-1834 in order to free themselves from the obligations therein established, Your Excellency expresses the wish of the British Government to preserve without alteration the commercial relations between the two countries, and as it is also the very sincere wish of the Venezuelan Government to maintain the cordial friendship and the old and close commercial relations happily existing between the two countries, I have the honour to inform Your Excellency, whilst acknowledging receipt of the Note in which the British Government express their intention to free themselves from the obligations laid down in the Treaty of 1825, confirmed in 1834, in order that Your Excellency may be so good as to bring it to the knowledge of His Majesty's Government, that the Government of Venezuela is willing to begin negotiations for the conclusion of a new Commercial Treaty with Great Britain.

I avail myself, etc., etc.,

B. MOSQUERA.

His Excellency

Henry Dawson Beaumont,

Envoy Extraordinary and Minister Plenipotentiary
of Great Britain.

17599

No. 442.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 305. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 24th April, 1919.

WITH reference to my Confidential despatch Dominions No. 174, of the 11th of March,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a despatch which has been addressed to His Majesty's Minister at Caracas, relative to the negotiation of a new Commercial Treaty with Venezuela.

I have, &c.,
MILNER.

Enclosure in No. 442.

(No. 6. Commercial.)

SIR,

Foreign Office, S.W.1., 18th March, 1919.

WITH reference to your despatch No. 1 Commercial of the 2nd January last, I request that you will inform the Venezuelan Government that His Majesty's Government are prepared to enter into negotiations with them for the conclusion of a new Commercial Treaty, provided that they on their side will agree to abrogate the surtax on the import into Venezuela of goods from the British West Indies.

I am, &c.,
(For Earl Curzon of Kedleston),

H. D. Beaumont, Esq.,
&c., &c., &c.

* No. 441.

CO 655/9/3



SECRET.

LEAGUE OF NATIONS.

(A.) Representation on Council and Votes in Assembly.

(B.) Channels of Communication.

CORRESPONDENCE

WITH THE

SELF-GOVERNING DOMINIONS,

1919 & 1920.

FEBRUARY 1921.

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1	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	November 8	Transmits message for Prime Ministers, which states that Viscount Grey, British Ambassador at Washington, urges the desirability of publishing a declaration at Washington as to the interpretation by His Majesty's Government of Article 15 of the Treaty of Peace, which he considers would have a decisive influence on the American Senate's decision with regard to the ratification by America of the Peace Treaty. Conveys also views of His Majesty's Government on the question of British Empire representation on the Council of the League of Nations.	1
2	The Governor-General	Canada Telegram	November 10 (Rec. Nov. 11)	Explains that an answer to No. 1 cannot be expected for a few days.	2
3	Ditto ...	Union of South Africa Telegram	November 11 (Rec. Nov. 11)	Conveys Prime Minister's views as to the proposed declaration, to which he is much averse.	2
4	Ditto ...	Canada Telegram	November 11 (Rec. Nov. 12)	Communicates message from Ministers conveying the opinion that the issue of declaration proposed would be both unwise and ineffective.	3
5	Ditto ...	Commonwealth of Australia Telegram	November 14 (Rec. Nov. 14)	Conveys message from Prime Minister expressing disagreement from Imperial Government's interpretation of Article 15 of the Peace Treaty, and urging the right of the Dominions to separate representation on the League.	3
6	Ditto ...	New Zealand Telegram	(Rec. Nov. 21)	States that his Government approve of declaration proposed, and concur in the interpretation indicated in the last paragraph of No. 1.	4
7	Ditto ...	Union of South Africa Telegram	November 29 (Rec. Nov. 29)	Conveys message from General Smuts to the Prime Minister discussing the reservations by the United States Senate to the Peace Treaty.	4
8	Ditto ...	Canada Telegram	December 3 (Rec. Dec. 4)	Explains that, through an oversight, he has only just been informed that the telegram of 14th November to the Foreign Office from the British Embassy at Washington constitutes the reply to No. 1.	5
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9	Ditto ...	Canada Telegram	January 8 (Rec. Jan. 8)	Requests that Ministers may be kept fully informed of any fresh developments regarding British Empire votes in League of Nations Assembly.	5
10	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram Secret	January 9	Refers to No. 1, and states that, in view of the divergence of opinion of Dominion Governments, no declaration will be made. Indicates the present attitude of United States Senate towards the Treaty.	6

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9. Mr. Lloyd George to Prime Ministers of the Self-Governing Dominions, telegram (extract), December 16, 1919
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11. Viscount Grey to Foreign Office, telegram No. 1703, December 25, 1919
12. Minute by the Director of the Legal Section of the League of Nations Provisional International Secretariat, October 15, 1919
13. Memorandum by Mr. Hurst (Foreign Office), November 18, 1919, p. 15.
14. Memorandum by Mr. Shearman (Foreign Office), December 29, 1919, p. 16.
15. Reservations of the United States Senate to the Treaty of Peace with Germany, p. 20.

12	The Governor-General	Canada Telegram	February 3 (Rec. Feb. 4.)	Discusses United States Senate Reservation 14, and states that the Canadian Government will oppose any reservation adopted by the United States Senate which will restrict its voting power in the League of Nations.	22
13	To the Governors-General	Commonwealth of Australia, Secret 2, New Zealand Secret, Union of South Africa Secret	February 11	Transmits, to be laid before Ministers, copy of No. 12.	22
14	The Governor-General	Canada Telegram	February 13 (Rec. Feb. 14)	States that his Ministers have been informed confidentially that the Lenroot Reservation (Reservation 14) is likely to be modified as indicated, and that they feel it should be made clear to the United States Government that no such reservation either in its original or modified form could be acceded to by the British Empire.	22
15	Ditto ...	Canada Telegram	February 20 (Rec. Feb. 21)	States that Ministers wish to know what representations have been made in Washington regarding the Lenroot Reservation and the resolving clause. Conveys views of Law Officers respecting these questions.	23
16	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa Secret	February 21	Transmits, to be laid before Ministers, copy of No. 14.	24

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1920.		
17	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa Secret	February 27	Transmits, to be laid before Ministers, copy of No. 15.	24
18	To the Governor-General	Canada Telegram	March 8	States, with reference to Nos. 12, 14 and 15, that His Majesty's Government is quite prepared to make representations desired if and when the reservation and resolving clause are adopted; suggests that, for reasons stated, present time is inopportune.	24
19	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa Secret Telegram	March 13	Communicates purport of representations received from Canadian Government as to the combined effect of the Lenroot Reservation and the resolving clause, and the reply of His Majesty's Government, and requests observations of Ministers.	25
20	To the Governor-General	Canada Secret	March 15	Transmits, to be laid before Ministers, copy of No. 19.	26
21	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 4 Secret	March 16	Transmits print showing amended reservations of the United States Senate to the Treaty of Peace with Germany, as received at Foreign Office on 25th February.	26
22	The Governor-General	New Zealand Telegram	(Rec. Mar. 24)	States that New Zealand Government adopt the same position as the Canadian Government with regard to the Lenroot Reservation, but desire to leave the question of a protest to the United States to the discretion of the Imperial Government.	28
23	Ditto ...	Commonwealth of Australia Telegram	(Rec. Mar. 30)	States, in reply to No. 19, that his Prime Minister desires to refer to No. 5, to which he adds that he assumes that unless and until the rejection of the Treaty by the United States has been rescinded the question of reservations does not and cannot arise.	29
24	The Administrator ...	Canada Telegram	April 30 (Rec. May 1)	In reply to Nos. 18 and 20, notes with satisfaction that His Majesty's Government are prepared to make clear to the United States Government that they cannot accept reservations and resolving clause if adopted by Senate; if question of the position of the Canadian Government should again come before the United States Senate, Ministers consider that their position should be formally made known to United States Government in advance of final action by Senate.	29

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
25	The Administrator ...	Canada 294	1920. May 1 (Rec. May 15)	Transmits Privy Council minute pointing out that the British representative on the Council of the League of Nations was appointed without consulting the Dominion Governments, and expressing the desirability of taking no action which would give rise to misunderstanding as to the position of the British Empire under the League of Nations Covenant.	29
26	The Governor-General	Commonwealth of Australia Secret	June 15 (Rec. Aug. 11)	Conveys Ministers' observations on certain matters raised in No. 11.	30

PART II.
Channels of Communication.

27	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	January 22	Discusses the question of the method of communication between British members of the League of Nations and the Secretariat-General, and requests views of Ministers on suggested procedure.	32
28	The Governor-General	Union of South Africa Telegram	January 31 (Rec. Feb. 1)	Reports, in reply to No. 27, that his Prime Minister states that Ministers cannot give proper attention to the matter until the elections are over.	33
29	Ditto ...	Canada Telegram	February 5 (Rec. Feb. 6)	States that before reaching a final conclusion Ministers request further information on points specified.	33
30	Ditto ...	Commonwealth of Australia Telegram	(Rec. Feb. 21)	Transmits message from Prime Minister accepting <i>pro tem.</i> proposal as to the channel of communication of British members of the League with the Secretariat-General, and expressing the opinion that the other suggestions should stand over pending the next meeting of the Imperial Cabinet.	34
31	Ditto ...	New Zealand Telegram Secret	(Rec. Feb. 26)	States that his Government is of opinion that all communications between British members and the Secretariat-General should pass through the British Cabinet Secretariat.	34
32	Ditto ...	New Zealand Telegram Secret	(Rec. Mar. 6)	States that Government has decided not to appoint at present a representative in London for League of Nations purposes.	35
33	Ditto ...	Canada Telegram	March 6 (Rec. Mar. 6)	States that Mr. L. G. Christie, Legal Adviser to Department of External Affairs, is sailing on 6th March in order to confer with authorities in London on League of Nations matters.	35
34	To the Governor-General	Union of South Africa Telegram	June 1	Enquires whether his Ministers are yet in a position to reply to No. 27.	35
35	The Governor-General	Union of South Africa Telegram	June 12 (Rec. June 13)	Conveys views of Prime Minister as to channel of communication between British members of the League and the Secretary-General, and suggesting that the whole subject should stand over for settlement at some future Imperial Conference.	36

LEAGUE OF NATIONS.

**Correspondence with the Self-Governing Dominions,
1919 and 1920.**

PART I.

Representation on Council and Votes in Assembly.

64596

No. 1.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent to Canada and Union of South Africa, 10.0 p.m., Australia and New Zealand, 8.0 p.m., November 8, 1919.)

TELEGRAM.

[Answered by Nos. 3, 4, 5, and 6.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

November 8. Following for your Prime Minister:—

Begins:—Ratification by America of the Peace Treaty still hangs in the balance, and opponents of ratification are making great play with the argument that if a "dispute likely to lead to a rupture" between a foreign Power and the United Kingdom, or any one of the four Dominions or India, were brought before the Assembly of the League under Article 15 all the other five votes could be cast in support of the part of the Empire immediately affected although the member representing it could not vote. This is in our opinion a wrong interpretation. We hold that the representatives of all parts of the Empire would be debarred from voting in this particular case, *i.e.*, a "dispute likely to lead to a rupture" between a foreign Power and any State of the Empire.

Our Ambassador at Washington, Viscount Grey, is urging us most strongly to make a declaration to this effect, which, he believes, would have a decisive influence on the American Senate's decision. But we have refused to sanction this course without the assent of the Dominion Governments. I should be glad to know at the earliest possible date whether your Government would approve of such a declaration being made. It would be made perfectly clear, of course, that the declaration referred only to the particular case just explained, which might arise under Article 15, and that in all other respects the rights of the United Kingdom and the Dominions and India as six original members of the League were not affected.

It has, I ought to add, also been contended in the United States that British Empire should not have more than one member on Council of League at the same time, but His Majesty's Government has refused definitely to accept any reservation which would prejudice eligibility of a Dominion or of India to be selected as one of the "four other members of the League," whose representatives are to sit on the Council. The question was raised in Paris, and President Wilson, M. Clemenceau, and the Prime Minister gave a written assurance to [Canada only: you] [to all except Canada: Sir Robert Borden] that, in their view representatives of the Dominions might

[5619]

B

be selected or named as members of the Council upon the true construction of the first two paragraphs of Article 4 of the Covenant.*
We are determined to adhere to this.—*Ends*.—MILNER.

64664

No. 2.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.20 A.M., November 11, 1919.)

TELEGRAM.

(Paraphrase.)

November 10. Referring to your telegram of 8th November,† forwarding message for Prime Minister respecting ratification by United States of America of Peace Treaty, I have given your message to Minister of Justice who is now Acting Prime Minister as Prime Minister still away in the United States of America. Mr. Doherty is giving it immediate consideration, but as Sir Robert has to be consulted answer cannot be expected for a few days.—DEVONSHIRE.

64704

No. 3.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.8 P.M., November 11, 1919.)

TELEGRAM.

(Paraphrase.)

November 11. With reference to your telegram 8th November,† regarding the League of Nations. My Prime Minister is much averse to proposed declaration. The following are his views:—Disputes likely to lead to rupture will be dealt with as a rule by Council and not by Assembly. Now in Council at present, and for a long time to come, British Empire has one vote only, that of the United Kingdom. This vote would almost inevitably be eliminated by proposed declaration wherever Dominion is party to dispute, for even if the declaration is limited to disputes before Assembly it will be contended that the same principle applies to disputes before Council, and that in the latter case also United Kingdom should not vote in support of one of Dominions. Thus, in dispute between South Africa and Japan before League of Nations, for instance, former might completely lose United Kingdom support in Assembly as well as in Council. Declaration might seriously weaken position of British Empire and ability of United Kingdom to support Dominions.

There appears to be no reason if in exceptional case dispute is referred to Assembly why other parts of the British Empire should not vote in the same way as South and Central American Republics, which are in very much the same position as Dominions to United States of America.

For, even assuming position in Council was not affected, proposed declaration would constitute great inducement to party to dispute with a Dominion to claim that matter should be referred to the Assembly under clause 15, and it would

* This assurance was as follows:—

"The question having been raised as to the meaning of Article IV of the League of Nations Covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that, upon the true construction of the first and second paragraphs of that Article, representatives of the Self-governing Dominions of the British Empire may be selected or named as members of the Council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the Articles of the Covenant are not subject to a narrow or technical construction.

"G. CLEMENCEAU.
"WOODROW WILSON.
"D. LLOYD GEORGE.

"Dated at the Quai d'Orsay, Paris, the sixth day of May, 1919."

† No. 1

automatically secure thereby elimination of votes of Dominions and United Kingdom in the matter. Further serious defect in proposed declaration is that it identifies Dominions with United Kingdom as one single entity before League of Nations, while whole case fought for and achieved by Dominions was their separate recognition and individual nationhood in League.

Had issue now raised by United States been foreseen at Paris, Dominions would have ensured their position in same way as they did with regard to their right to eventual representation on Council. Question of Dominions' status in League is calculated to be raised once more by American contention, and this from South African point of view is most undesirable.—Buxton.

64801

No. 4.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received November 12, 1919.)

TELEGRAM.

(Paraphrase.)

November 11. Your Secret and urgent telegram of 8th November,* and my telegram of 10th November.† Following from Mr. Doherty, Acting Prime Minister:—

Begins: "Immediately after prorogation other Ministers, in Prime Minister's absence, considered your message, and it is their opinion that proposed declaration would be not only unwise but entirely ineffective for the purpose named. Ministers will confer with the Prime Minister in New York."
—DEVONSHIRE.

65596

No. 5.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.27 P.M., November 14, 1919.)

TELEGRAM.

(Paraphrase.)

November 14. Following from my Prime Minister:—

Begins: "Urgent. Secret. Your telegram, 8th November,* ratification of Treaty of Peace by America. I do not agree with your interpretation; at all events, without some material reservations. Commonwealth Government, perhaps naturally, regards matter from a different standpoint from that of United Kingdom. In the event of your interpretation being accepted, and should a dispute be likely to lead to a rupture between Australia and Japan over, say, immigration equal treatment for all nationals, Australia could not present her own case in an appeal to the League, nor could the voice of South Africa, Canada, or New Zealand be heard. This would be most unsatisfactory, and in spite of [group omitted] Australia might ask what she had to gain from a League of Nations, when not only her own voice is to be silenced but also those of her sister Dominions, in the only matter out of which war in the future is likely directly to menace her. One of two things is obvious, Dominions either have or have not right of separate representation on League. We fought for that in the British Empire delegation. It was agreed in definite terms. While quite recognising your difficulties, I am unable to agree to abandoning our right to sit on League of Nations on footing of equality with other small Powers.—HUGHES."—*Ends*.—FERGUSON.

* No. 1.

† No. 2.

No. 6.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.30 A.M., November 21, 1919.)

TELEGRAM.

(Paraphrase.)

IN reply to your telegram of 8th November, Peace Treaty,* my Government approve of the declaration referred to being made as suggested by His Majesty's Government, and they also concur in the interpretation by His Majesty's Government indicated in the last paragraph of your above-mentioned telegram.

—LIVERPOOL.

68497

No. 7.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.40 P.M., November 29, 1919.)

TELEGRAM.

(Paraphrase.)

VERY urgent. November 29. Private and Personal. I am asked by General Smuts to transmit through you the following personal message to Prime Minister:—

Begins: "Reservations to League of Nations Covenant and Peace Treaty passed by American Senate have reached us in form which is not always intelligible. Most of them appear to be of minor importance and not affecting real essence of the Covenant. Thus America or other signatory State may well be sole judge as to fulfilment of its obligations in case of withdrawal from League, provided that two years' notice is given. Again Council will merely advise as to means of concerted action in case of violation of territory or independence under paragraph 10, and it is in any case for America or other State to decide as to actual military action. Then again acceptance of mandates by America, money appropriations for League, and appointment of America's officials to the League of Nations, are entirely matters for American Government and Congress. So also are questions of a really domestic character like immigration and most of the others set out in reservation. Again the economic and personal boycott under paragraph 16 could not be applied to nationals of Covenant-breaking State residing outside its territory without grave trade dislocations in boycotting States, and there is much to be said for American view which is not in express conflict with paragraph 16.

"Reservations to labour and economic clauses 296, 297 are not understood.

"There remain three important reservations in reference to disarmament, Monroe doctrine, and voting power of British Empire.

"With regard to first reservation, League of Nations Committee was much [?] exercised] whether parties to dispute should be allowed to engage in military preparations during period of enquiry under paragraph 15. No result was reached, but point is really important whether nation threatened should be expected during period of enquiry to sit still, as there is no guarantee that war may not ensue. In case of actual war it is evident that limitation of armaments could not longer apply between belligerents.

"With regard to second reservation, if dispute with non-American Power arises it appears practically to exclude whole American Continent

* No. 1.

from jurisdiction of League. But although this is serious limitation to scope of League, reservation does little more than express contention which European Powers have acquiesced in for 100 years. I see no good reason for staking existence of the League on that issue. European Powers are not only not likely to commit aggression against American States, but real danger of war is in Old not in New World. Matter is of great sentimental value to people of United States, and it is one on which it is surely worth our while to meet them.

"Real interest for British Empire centres in third reservation, which affects future organic structure of Empire voting power and status of the Dominions, and is therefore of vital importance. No concessions should be made there, as in the future Empire can only continue as great organic league of free and equal States. In view of the above, I think that we have elements of fair compromise with America. Let us concede Monroe doctrine if they will agree to voting power of Dominions which is vital to us. Give assurance that section 8 will be so revised by League when constituted as to meet American view on limitation of armaments in case of threatened invasion or aggression.

"League is mostly work of British statesmen, and we should make every effort to save it. America is really necessary to League, and even where they are not quite reasonable we should spare no efforts to meet her points of view. Political structure of civilisation has become so unstable that danger of collapse is very great without new factor like League. I think that American situation should not be allowed to drift for these reasons, and that if practicable we should take initiative to secure workable compromise which will give League at least a fair start. On above lines perhaps compromise might succeed."—Ends.—BUXTON.

69165

No. 8.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.30 A.M., December 4, 1919.)

TELEGRAM.

(Paraphrase.)

December 3. Ratification of Peace Treaty. With reference to your telegram of 8th November* and my Secret telegram of 11th November,† through an oversight I was informed only this morning by Prime Minister that telegram to Foreign Office dated 14th November‡ from British Embassy at Washington constitutes reply to your telegram of 8th November.§—DEVONSHIRE.

1655/S

No. 9.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.40 P.M., January 8, 1920.)

TELEGRAM.

(Paraphrase.)

January 8. With reference to your telegram 8th November and my telegram 3rd December§ regarding British Empire votes in League of Nations Assembly. A recent press despatch from London indicated that Prime Minister in a public speech had referred to this question, but the despatch was obscure and did not quote his exact words. My Ministers are anxious to be informed of any fresh developments in matter, and of any public pronouncement in pursuance of the telegram of 14th November‡ sent to the Foreign Office by Ambassador at Washington with Sir R. Borden's concurrence. It is very desirable that my Ministers should be kept fully informed as they may be asked at any time to give an indication of their attitude.—DEVONSHIRE.

* No. 1.

† No. 4.

‡ Appendix 7 to No. 11.

§ Nos. 1 and 8.

1364/S.

No. 10.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 7.15 P.M., January 9, 1920.)

TELEGRAM.

[Answered by No. 12.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

(Paraphrase.)
 (Secret.)

My telegram of 8th November,* Covenant League of Nations, Article 15. The answers received were divergent, Government of New Zealand and Government of Canada being willing that proposed declaration should be made, whilst Government of Union of South Africa and Government of Commonwealth of Australia unwilling. His Majesty's Government, in these circumstances, felt that any public declaration by His Majesty's Ambassador at Washington on the matter was out of the question and that except as a result of agreement between Dominion Governments and themselves after full discussion no such declaration could be made. This attitude explained at recent Inter-Allied Conference and accepted by Clemenceau—see Prime Minister's telegram to your Prime Minister of 16th December.† Am sending despatch‡ by mail explaining position fully with papers which will, it is hoped, help Dominion Governments to form considered judgment on point at issue. Your Ministers, in the meantime, should know that Lord Grey's most recent reports indicate that position may develop in manner most embarrassing both to Dominion Governments and His Majesty's Government, since opponents of Treaty are using question of six British votes as most popular argument against Treaty. Thus opposition to Treaty will tend to assume increasingly anti-British character, and it looks as if objection would be pressed to British Empire having six votes in any circumstances. Reservation adopted in United States Senate on voting, however, was in two parts: United States under "A" assumes no obligation to be bound by any decision of Assembly or Council in which more than one vote has been cast by parts of British Empire. United States under "B" assumes no obligation to be bound by any decision arising out of dispute between United States and a member of the League if such member or any Dominion or part of Empire united with it politically has voted.

Have sent other Dominions similar telegram.

1364/S.

No. 11.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by No. 26.]

(Canada
 (Commonwealth of Australia
 (New Zealand
 (Union of South Africa

} Secret.)

[My Lord Duke,] [My Lord,] [Sir,]

Downing Street, January 12, 1920.

With reference to Lord Milner's telegram of 8th November and my telegram of 9th January§, I have the honour to request your Excellency to inform your Ministers that His Majesty's Government are anxious that they should receive in a more detailed form than telegraphic correspondence renders possible the facts as to the situation created by the adoption in the United States Senate of a reservation affecting the voting power of the British Empire under Article XV of the Covenant of the League of Nations.

* No. 1.

† Appendix 9 to No. 11.

‡ No. 11.

§ Nos. 1 and 10. For the other documents referred to and enclosed in this despatch see schedule of enclosures.

2. The reservation on this subject, which was moved by Senator Lenroot and adopted, is as follows:—

The United States assumes no obligation to be bound by any election, decision, report, or finding of the Council or Assembly in which any member of the League and its self-governing Dominions, Colonies, or parts of Empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the Council or Assembly arising out of any dispute between the United States and any member of the League, if such member or any self-governing Dominion, Colony, Empire, or part of Empire united with it politically has voted.

This reservation replaces one which was moved by Senator Johnson but defeated in the Senate on 27th October.

3. I enclose copies of telegraphic correspondence with His Majesty's Ambassador at Washington in which the question was first raised as to the attitude which it was desirable to adopt towards a reservation on these lines.

[To Canada only:—I also enclose copies of telegrams from the Governor-General of the Commonwealth of Australia, the Governor-General of New Zealand, and the Governor-General of the Union of South Africa in reply to Lord Milner's telegram of 8th November. It will be remembered that your Ministers were unable to reply definitely to that telegram in the absence of the Prime Minister, and that his views were ultimately conveyed in Lord Grey's telegram of 14th November, of which a copy is sent for reference (see your telegram of 4th December).]

[To Australia only:—I also enclose copies of telegrams from the Governor-General of New Zealand and the Governor-General of the Union of South Africa in reply to Lord Milner's telegram of 8th November. The reply of the Commonwealth Government was contained in your telegram of 14th November. The Canadian Government did not feel in a position to answer Lord Milner's telegram in the absence of Sir Robert Borden, who was away from Ottawa at the time. Sir Robert was, however, able to consult with Lord Grey personally, and his views are given in the telegram from Washington of 14th November, of which a copy accompanies this despatch.]

[To New Zealand only:—I also enclose copies of telegrams from the Governor-General of the Commonwealth of Australia and the Governor-General of the Union of South Africa in reply to Lord Milner's telegram of 8th November. The reply of the New Zealand Government was contained in your telegram of 21st November. The Canadian Government did not feel in a position to answer Lord Milner's telegram in the absence of Sir Robert Borden, who was away from Ottawa at the time. Sir Robert was, however, able to consult with Lord Grey personally and his views are given in the telegram from Washington of 14th November, of which a copy accompanies this despatch.]

[To South Africa only:—I also enclose copies of telegrams from the Governor-General of the Commonwealth of Australia and the Governor-General of New Zealand in reply to Lord Milner's telegram of 8th November. The reply of the Union Government was contained in your telegram of 11th November. The Canadian Government did not feel in a position to answer Lord Milner's telegram in the absence of Sir Robert Borden, who was away from Ottawa at the time. Sir Robert was, however, able to consult with Lord Grey personally and his views are given in the telegram from Washington of 14th November, of which a copy accompanies this despatch.]

4. [To Canada, Australia and New Zealand:—Subsequently on 29th November the Prime Minister of the Union of South Africa]

[To Union of South Africa only:—Your Prime Minister]

[To All:—telegraphed personally to the Prime Minister of the United Kingdom.]

[To Canada, Australia and New Zealand:—At the wish of Mr. Lloyd George I enclose a copy of this telegram. It was repeated to Lord Grey]

[To Union of South Africa only:—At the Prime Minister's wish this telegram was repeated to Lord Grey]

[To Canada, Australia and New Zealand:—whose reply commenting on it is also enclosed.]

[To Union of South Africa only:—whose reply commenting on it is enclosed.]

The two telegrams in question are being sent to the Governors-General of Canada, the Commonwealth of Australia and New Zealand.]

5. Having regard to the divergent replies of the Dominion Governments to Lord Milner's telegram of 8th November, His Majesty's Government considered that it was clearly out of the question that Viscount Grey should make any statement on the lines

suggested in his earlier telegrams which would commit the British Empire to acceptance of the second part of the Lenroot reservation. They felt that such a statement could only be made, if at all, as the result of an agreement between themselves and the Oversea Governments concerned after discussions at least as full and authoritative as those of the British Empire Delegation at the Peace Conference at Paris, at which the original form of the Covenant of the League of Nations was discussed and agreed upon. Accordingly the Prime Minister of the United Kingdom at the recent Conference of American, British, French, Italian, and Japanese representatives held in London from the 11th to the 13th of December, 1919, made it clear that His Majesty's Government could do nothing in regard to the American objections to the voting power of the British Dominions without the consent of the Dominion Governments. M. Clemenceau fully approved of this position. An intimation to this effect was conveyed in Mr. Lloyd George's telegram to your Prime Minister of the 16th December.* Avoidance of any public statement in the United States by His Majesty's Ambassador on the point at issue is, of course, rendered easier owing to the fact that Lord Grey is now on his way to this country on leave of absence.

6. At the same time it is right that your Ministers should know that Lord Grey has reported that he personally is absolutely committed in private in Washington on two points:—

(1.) That any reservation inconsistent with the written assurance given in Paris by President Wilson, M. Clemenceau, and Mr. Lloyd George to Sir Robert Borden (a copy of which is enclosed for reference), on the 6th May, 1919,† must be repudiated by His Majesty's Government.

(2.) That, in his opinion, no British votes in the Assembly of the League of Nations can be used in a dispute to which any part of the Empire is a party. These views have been stated in a private letter sent by Lord Grey to the Secretary of State at Washington, of which a copy is transmitted herewith, though it has been made clear that they were personal and did not commit His Majesty's Government.

7. Your Ministers should also know that the latest telegraphic reports received from Lord Grey indicate that in his opinion the situation may develop in a way that may cause the greatest embarrassment to His Majesty's Government and the Dominion Governments, since the opponents of the treaty in the United States are using the question of six British votes as the most popular argument against the treaty. Opposition to the treaty will thus tend to assume increasingly an anti-British character, and it looks as if the objection would be pressed to the British Empire having six votes in any circumstances. A telegram from Lord Grey in which the situation is summarised is enclosed.

8. In this connection your Ministers should see the accompanying copy of an opinion given confidentially to Sir E. Drummond, the Secretary-General of the League of Nations, by Dr. van Hamel, Director of the Legal Section of the League of Nations Provisional International Secretariat on the question of the voting power of the British Empire. Sir E. Drummond has specially asked that this document should be treated as strictly confidential.

9. His Majesty's Government hope that the papers in this despatch may be of assistance to the Dominion Governments in forming a considered judgment on the point at issue regarding Article XV of the Covenant of the League of Nations.

10. Since the reservation adopted by the United States Senate as to Article XV is not the only one which may vitally affect the future of the League of Nations, and since the issues raised by the other reservations are also dealt with in the correspondence accompanying this despatch, particularly in General Smuts's telegram to Mr. Lloyd George of the 29th November, His Majesty's Government think that it may be also of assistance to your Ministers to have before them a copy of a memorandum by the Legal Adviser to the Foreign Office commenting on the reservations adopted by the United States Senate up to the 17th November, and of a further memorandum prepared in the Foreign Office after a complete list of the reservations became available. These memoranda have been submitted to His Majesty's Government, but no decision has, of course, been reached as to the points raised therein. A complete set of the reservations adopted by the Senate is enclosed.

I have, &c.
(For the Secretary of State),
L. S. AMERY.

* See extract printed as Appendix 9 to this despatch.

† See footnote to No. 1 (p. 2.)

SCHEDULE OF ENCLOSURES.

From Lord Grey.	Telegram.	9th October, 1919.	} Appendices Nos. 1 to 6 to this despatch.
To " "	" "	11th " "	
" " "	" "	24th " "	
From " "	" "	24th " "	
To " "	" "	26th " "	
		31st " "	

To Canada only:—

From Governor-General Commonwealth of Australia. Telegram. 14th Nov., 1919.*
" " New Zealand. Telegram. 21st November, 1919.†
" " Union of South Africa. Telegram. 11th November, 1919.‡
" Lord Grey. Telegram. 14th November, 1919. (Appendix 7 to this despatch.)

To Australia only:—

From Governor-General New Zealand. Telegram. 21st November, 1919.†
" " Union of South Africa. Telegram. 11th November, 1919.‡
" Lord Grey. Telegram. 14th November, 1919. (Appendix 7 to this despatch.)

To New Zealand only:—

From Governor-General Commonwealth of Australia. Telegram. 14th Nov., 1919.*
" " Union of South Africa. Telegram. 11th November, 1919.†
" Lord Grey. Telegram. 14th November, 1919. (Appendix 7 to this despatch.)

To Union of South Africa only:—

From Governor-General Commonwealth of Australia. Telegram. 14th Nov., 1919.*
" " New Zealand. Telegram. 21st November, 1919.†
" Lord Grey. Telegram. 14th November, 1919. (Appendix 7 to this despatch.)

To Canada, Australia, and New Zealand only:—

From Governor-General Union of South Africa. Telegram. 29th November, 1919.§

To All:—

From Lord Grey. Telegram. 11th December, 1919. }
" " " 24th " " }
Letter from Lord Grey to Secretary of State, Washington. }
19th November, 1919. }
Statement of 6th May, 1919.¶
Minute by Dr. Van Hamel of 15th October, 1919. }
Foreign Office Memorandum, 18th November, 1919. }
" " 29th December, }
Complete List of Reservations adopted by United States }
Senate. } **

* No. 5 † No. 6. ‡ No. 3. § No. 7.
} Appendices 8, 11 and 10 to this despatch. ¶ See footnote to No. 1 (p. 2).
** Appendices 12, 13, 14 and 15 to this despatch.

Appendix 1 to No. 11.

Paraphrase TELEGRAM. VISCOUNT GREY (Washington), October 9, 1919.

(Received 11.40 A.M., October 10, 1919.)

(No. 1439.)

It is alleged by opponents of Covenant here that in a dispute between, for instance, Canada and United States, in which United States would be precluded from voting as well as Canada, the other five votes of British Empire could be used on side of Canada in League of Nations Assembly. Supporters of the League maintain that not one of votes of British Empire could be used under last paragraph of Article XV of Covenant in any controversy in which any part of British Empire was concerned. Latter view is presumably correct. If anything has been said to show that is the view of British Government please give me reference. If not, it would be very desirable to have a question in Parliament and an answer making this clear.

Appendix 2 to No. 11.

Paraphrase TELEGRAM. VISCOUNT GREY (Washington), October 11, 1919.

(Despatched October 11, 1919; Received 10.10 A.M., October 12, 1919.)

(No. 1443. Secret.)

IN Senate most serious danger to Covenant seems to be opposition to British six votes power in League Assembly. First Contention is that the six votes should not be used in any controversy to which any part of British Empire is a party. This would put British Empire on the same footing in the Assembly as any other Power which is a party to same controversy. If questioned, may I say this is view of His Majesty's Government?

Second point is that British Empire should not have on Council of League more than one member at the same time. A reservation that a British self-governing Dominion shall in no case have representative on Council may be proposed. This seems to me clearly objectionable, but would His Majesty's Government consider impossible of acceptance a reservation that British Empire should not have more than one representative on Council at the same time?

President might at any moment have raised these questions with me had he been well; his supporters, unable at present to consult him, are in suspense, but they may be driven by President's illness to sound me directly as to what compromise could be made on reservations without being fatal from British point of view of Covenant.

Appendix 3 to No. 11.

Paraphrase TELEGRAM to VISCOUNT GREY (Washington).

(No. 1924.)

Foreign Office, October 24, 1919, 10 P.M.

QUESTION raised in the first paragraph of your telegram, No. 1443,* presents no serious difficulty. The six votes in the Assembly which between them the British Empire, the British Dominions, and India are entitled to give in the Assembly of the League of Nations should not, in our view, be used in any controversy to which any part of the British Empire is a party. The following are the reasons which have led us to this conclusion:—

The question arises in connection with Article 15 of the Covenant and the settlement of disputes likely to lead to a rupture. It is implied by the phrase "likely to lead to a rupture" that the dispute is one which might lead to war, and the party to the dispute must be the political unit which, in the event of war, would become belligerent. There cannot be war between a foreign State and a part only of the British Empire. For one part of the Empire to be at war while another remained at peace would be impossible, consequently the party to the dispute must be the British Empire as a whole, and neither the representative of the Empire nor

* Appendix 2.

that of any particular Dominion accepting membership of the League nor that of India could claim that he stood on a different footing from that of the representative of the part of the Empire more immediately concerned in the dispute.

So far as Article 15 is concerned the question of voting turns not on membership of the League but on being a party to the dispute, and the full membership of the League which the Dominions and India enjoy is not in any way diminished by the fact that a Dominion's vote would be excluded from the calculation in a controversy where another Dominion was concerned.

With regard to the second paragraph of your telegram, any reservation which would prejudice the eligibility of a Dominion or of India to be selected as one of the "four other Members of the League" whose representatives are to sit on the Council could not be accepted by His Majesty's Government. The question was raised in Paris, and President Wilson and M. Clemenceau and the Prime Minister gave Sir R. Borden a written assurance that, in their view, representatives of the Dominions might be selected or named as members of the Council upon the true construction of the first two paragraphs of Article 4 of the Covenant.

We must stand by this absolutely.

Appendix 4 to No. 11.

Paraphrase TELEGRAM to VISCOUNT GREY (Washington).

(No. 1925.)

Foreign Office, October 24, 1919, 10 P.M.

My telegram immediately preceding.*

There has been no time to consult the Dominion Governments, and no doubt you will bear in mind the great risk involved in expressing opinions in which their Governments have not concurred, on the rights and status of the Dominions and of India as members of the League.

It would therefore be much better not to make any formal declaration on the subject if it is possible to avoid doing so.

Appendix 5 to No. 11.

Paraphrase TELEGRAM. VISCOUNT GREY (Washington), October 26, 1919.

(Despatched October 26, 1919; Received 8.55 A.M., October 27, 1919.)

(No. 1499. Urgent.)

HAVE now received your telegram No. 1924.*

If telegraphed at once to American press an answer to a question in Parliament on first point in this sense would be invaluable.

I am not asked for public statement here, but it is urged that a spontaneous expression of opinion in England would be helpful.

I take last paragraph of your telegram to confirm my view that a reservation excluding self-governing Dominions from eligibility to Council of League is impossible of acceptance, and I shall advise in that sense if approached by Senator Hitchcock or by administration.

I do not see that same objection applies to a reservation that no country should have on Council more than one member at same time, but this point has not yet been put to me. My general line is that all reservations are to be deprecated, but later on I may be asked what would be absolutely fatal and what would not.

Appendix 6 to No. 11.

Paraphrase TELEGRAM to VISCOUNT GREY (Washington).

(No. 1973.)

Foreign Office, October 31, 1919. 7 P.M.

REFERRING to your telegram No. 1499† (of October 26th, voting power, of British Empire on the League of Nations), it is undesirable to answer a question in the House as you propose for reasons given in my telegrams Nos. 1924 and 1925.‡

* Appendix 3.

† Appendix 5.

‡ Appendices 3 and 4.

This view is strengthened by report in the press, which, I presume, is accurate, that the amendments of Messrs. Shields and Moses, designed to restrict the voting power of the Empire, have been rejected by the Senate.

Appendix 7 to No. 11.

Paraphrase TELEGRAM. VISCOUNT GREY (Washington). November 14.

(Received 11.0 A.M., November 15, 1919.)

(No. 1577.)

REFERRING to my telegram No. 1569, Sir R. Borden agrees that following question should be put in House of Commons:—

“To ask what upon a fair construction of League of Nations Covenant are voting rights under Article 15 of different parts of British Empire.”

Reply which Sir R. Borden thinks should be made and in which I entirely concur would be as follows:—

“Members of League under Article 15 of Covenant do not vote upon a ‘dispute likely to lead to rupture’ to which any of them are partners. All parts of British Empire will be parties to any such dispute in which any one of them is involved.

“While, therefore, in common with His Majesty’s Governments of other portions of the Empire, His Majesty’s Government of United Kingdom firmly maintains rights of United Kingdom of self-governing Dominions and of India as members of League, it is not understood or contended that in case of a dispute arising between any portion of the Empire and a foreign power likely to lead to a rupture, either United Kingdom or any self-governing Dominions or India would be entitled to vote thereon in Assembly.”

Reasons which still make an announcement desirable are that it is possible that though such an announcement would not apparently have any effect at this juncture upon fortunes of Treaty and League in Senate, a deadlock may arise after present stiff reservations are passed on point of ratification which may lead to a compromise on enforcement of milder resolutions as an alternative to complete failure of Treaty in Senate. In such a contingency, if announcement now suggested had been made by His Majesty’s Government, it might then help to ease situation. I entirely agree with Sir R. Borden, who feels that complete failure of Treaty in Senate, followed by a separate peace between United States and Germany, would be a calamity, and that nothing should be omitted which might help to avert it, however slight the chance. I also feel, after such men as President Lowell of Harvard, Secretary of State, and Senator Hitchcock, have urged privately that such an announcement would be helpful, they will not understand our refusal to make it.

Supporters of League in America have to defend British six votes in Assembly, and considerable odium is, however, unfairly being fastened on them on this ground both in Senate and their constituencies by their political opponents. If we withhold this announcement they will feel, whether they succeed or fail in their fight for League, that we have not played up to help them, and their soreness will probably be even more in the event of failure than if they had won in Senate. Sir R. Borden concurs in this telegram, of which I have given him a copy.

71511/S.

Appendix 8 to No. 11.

VISCOUNT GREY (WASHINGTON) TO FOREIGN OFFICE.

(Received December 12, 1919.)

(No. 1669.)

TELEGRAM.

(Paraphrase.)

Your telegram No. 2183.

I think damage done to League of Nations by some of Lodge reservations is under-estimated by General Smuts.

For instance, it is not merely questions of entirely domestic character but questions relating in part or in whole to internal affairs that are excluded by reservation No. 4. This really covers every conceivable question. Nevertheless, I am of opinion that in last resort it would be better to accept all the Lodge reservations rather than lose whole of Treaty. There is a fair prospect that United States having disclaimed obligations in principle would, in practice, within League act as if the obligations existed. Compromise desired by General Smuts, based on acceptance of Lodge reservations in return for complete abandonment of Lenroot reservation about voting, is impossible. Canada does not claim, and United States would never accept, that other five votes of the British Empire should be used against United States in a dispute between Canada and United States in which United States disqualified from voting. This reservation concerning voting power is going to give His Majesty’s Government and Dominions more trouble than all the other reservations put together.

71687/S.

Appendix 9 to No. 11.

MR. LLOYD GEORGE TO THE PRIME MINISTERS OF THE SELF-GOVERNING DOMINIONS.

(Dated December 16, 1919.)

TELEGRAM.

(Extract.)

FINALLY Conference* considered situation in America as regards the League of Nations. We were advised by Lord Grey that the attitude of the Senate would be stiffened by any expression of opinion by the Allies against reservations, while the President would regard as a rebuff any declaration of our willingness to consider reservations. In view of fact that in a few weeks time Lord Grey is returning to this country it was decided to postpone action in regard to the attitude of America towards the League of Nations until after his report has been received. We made it clear at the Conference, however, that we could do nothing in regard to the American objections to the voting power of the British Dominions without the consent of the Dominion Governments thereto. M. Clemenceau fully approved of this position.

Appendix 10 to No. 11.

VISCOUNT GREY (NEW YORK) TO MR. LANSING (WASHINGTON).

November 19, 1919.

Dear Mr. Lansing,

As I cannot be in Washington until Sunday I send a line to give you my personal impression of the reservations about voting power in the League of Nations Assembly, the text of which I have just read.

You were good enough some time ago to ask my opinion about reservations. The second part of this reservation relating to disputes to which a member of the League is a party does not seem to me open to objection from the British point of view, but the first part of it seems to be inconsistent with the letter written by President Wilson, Mr. Lloyd George, and M. Clemenceau to Sir Robert Borden, and if that be the fair construction of it I am afraid it must give rise to serious difficulties, for I am sure that anything inconsistent with that letter to Sir Robert Borden will be repudiated.

Some time after my conversation with you Senator Hitchcock spoke to me on the same subject, and if you think well it might be desirable to let him know my personal impression.

GREY OF FALLODON.

* The Conference of American, British, French, Italian and Japanese representatives held in London 11-13th December, 1919.

Appendix 11 to No. 11.

VISCOUNT GREY (WASHINGTON) TO FOREIGN OFFICE.

(Received 3 P.M., December 25, 1919.)

(No. 1703.)

TELEGRAM.

(Paraphrase.)

December 24. PROBABLE that Senate will pass ratification of Treaty eventually with reservations but little, if at all, modified, except as regards preamble. All the indications are that reservation about voting power will be insisted upon in some form which it will be impossible to expect the self-governing Dominions to accept.

Opponents of Treaty are using, and will increasingly use, six British votes as most popular argument against Treaty. Therefore opposition to Treaty will increasingly assume anti-British character.

Opponents of Treaty insist upon indignity of United States, with several millions more English-speaking white men than whole of British Empire, having only one vote to six.

Indications are that when decision on reservations has been taken some time next month His Majesty's Government will be placed in the position of appearing to claim six votes for British Empire, and opposing more than one vote for United States.

There are other aspects of the general situation, gathered from representative men of various opinions which cannot be explained adequately by telegram or letter, but the six votes to one issue is certain to develop in a way so embarrassing that even before I get over His Majesty's Government ought to have it clearly in mind.

I have continued to urge upon representative men of every shade of opinion that reservation about voting power should be confined to disputes to which British Empire is a party, but they all say that in public discussion before American people it will be impossible to maintain this.

Appendix 12 to No. 11.

MINUTE BY THE DIRECTOR OF THE LEGAL SECTION OF THE LEAGUE OF NATIONS
PROVISIONAL INTERNATIONAL SECRETARIAT.

Secretary-General,

Regarding the Question of the Votes of the British Dominions under the Covenant in case of a Dispute between one part of the British Empire and another Member of the League of Nations.

THE important point arises whether under the last paragraph of Article 15 of the Covenant, in case, for instance, of a dispute between Canada and the United States of America, the votes of Great Britain and of other Dominions could validly be cast in Canada's favour, and hereby prevent the American interest, even when supported by the rest of the Members of the Assembly, from receiving the full support of an unanimous decision.

The same question may arise under paragraph 6 of Article 15 if one of the Dominions should some time become a Member of the Council.

My conclusion is that in this case of Article 15 the different parts of the British Empire must be considered as forming *one* party to the dispute, which is dealt with by the League as "likely to lead to a rupture." The votes of *all* parts of the British Empire must therefore be excluded in the application of the last or of the sixth paragraph of this Article.

Of course, the decision on this matter will finally lie with the Assembly or with the Council of the League of Nations when a case has come up. They would have to decide how the votes were to be counted in that special case, but I think the League should then be advised in the way of the following reasoning:—

There is no doubt that all the Dominions named in the Annex to the Covenant enjoy the rights of full membership of the League of Nations. This includes the right to vote, and if they so desire to vote independently.

There is, however, no doubt that the relation between England and the

Dominions is, also under the Covenant, that of a special Federation or Commonwealth, the members of which are bound by special ties, which have been recognised by themselves as well as by the other members of the League at the conclusion of the Covenant.

Now the movement for autonomy, or even for independence, of the Dominions may go very far.

This important matter is apparently in a state of evolution. But it is quite certain that where matters of war and peace and foreign relations of a highly and purely political character are concerned the parts of the British Empire are interdependent, and have legally one imperial interest. This unit is represented by the "King of the United Kingdom of Great Britain, Ireland, and of the British Dominions beyond the Seas, Emperor of India," as it has also been expressed in the preamble of the Peace Treaty of Versailles. No political treaty of real importance could be concluded or ratified but by the authority of the King. No war could be declared, no blockade could be proclaimed, but by the authority of the King. The essential lines of foreign policy cannot be separately drawn by any colonial Government by itself. The requirement of the consent of the Dominion to decisions of vital interest in international relation is, of course, a quite different thing; it is internal.

It would be impossible for one part of the Empire to be at war while another remained neutral. There will be only one belligerent unit, at least in the eyes of the enemy. In matters of blockade all ships flying the British flag are alike affected.

It follows from all this that the kind of disputes that are mentioned in Article 15 of the Covenant, "disputes *likely* to lead to a rupture," will always necessarily be a matter of equal concern for all the parts of the British Empire. These disputes will always be of a highly and purely political character. They will involve the danger of war. They will imply the possibility of blockade, &c.

All the parts of the British Empire will therefore necessarily be parties to that dispute. Their votes should be excluded in the application of the last or of the sixth paragraph of Article 15.

Attention may be called to the fact that the question may not only arise between the United States of America and Canada, but could as well arise between Japan in its relations with Australia, Belgium in its colonial relations with South Africa, Holland in connection with India. It would therefore never do to equalise, as is desired by some people in the United States, the American and British votes by giving a plural vote to the United States. Other countries might claim the same thing.

But no equalisation seems necessary, as the only case in which a plural vote of the British Empire would be of advantage to England and of disadvantage to another member of the League would be the case of Article 15, in which the British votes will be excluded.

I trust you will find this summary statement on the question sufficient for the present. I do not quote authorities by which I have found my views corroborated. I am quite ready, should the case arise, to give full documentary statement of the whole matter.

I can assure that as far as I have been able to go into the authorities of various kinds I have found my opinion to be hardly debatable.

I had the pleasure of discussing the matter very thoroughly with Dr. Pawley Bate, who gave me most valuable suggestions and information, and entirely concurs with the present opinion.

VAN HAMEL.

October 15, 1919.

Appendix 13 to No. 11.

MEMORANDUM BY MR. HURST (FOREIGN OFFICE), NOVEMBER 18, 1919.

American Reservations to the Peace Treaty.

COLLECTIVELY the effect of the reservations to the Treaty of Peace now adopted by the Senate of the United States would be to create the situation that the United States should be allowed to come into the peace settlement upon a footing different to that upon which the other Powers come in. The United States is not the only country which would like to make special terms for itself in the peace settlement by agreeing to the Treaty subject to reservations. China asked to be allowed to do so, and the request was unanimously rejected by the Supreme Council at Paris, none taking a more prominent part in the decision than the representative of the United States.

Roumania and the Serb-Croat-Slovene State have hesitated as to the acceptance of the Austrian Treaty. To accept now the reservations desired by the United States Senate would inevitably give rise to the impression among the other signatories of the Treaty of Peace, and more especially among the smaller Powers, that there is to be one rule for the United States and one rule for the rest of the world. President Taft appears to have told his countrymen that the reservations amount to an attempt on the part of the United States to obtain all the benefits of the Treaty while shirking all the burdens which its obligations entail.

The principle for which the Allied Powers at Paris purported to be struggling, and the basis upon which they posed as contracting, was that of substituting the principle of sharing in common the obligations of the civilised States for the condition of affairs which had prevailed up to the time of the war of mere individual regulation of international relations. Once the principle is admitted that one or more of the great Powers is to stand outside the settlement, the inevitable result must be to reintroduce the old state of affairs with all the uneasy conditions which have prevailed in Europe for the last two decades.

On the other hand, the failure of the attempt to effect the peace settlement in common deprives the work that was done of a great part of its value, and means that much of it must be done again. Questions like disarmament can only be dealt with by all the civilised States acting together. If the attempt made in the Covenant of the League of Nations to settle this problem has no success, the world must return to the condition of competition in armaments limited only by financial considerations. The United States is now so rich that no other Power could keep pace with her in a competitive struggle for armaments. For the British Empire, depending on its fleet for security, the outlook would be particularly disquieting; consequently any chance there may be of ultimately bringing in the United States ought not to be lost, but it should be the whole Treaty or nothing, for any reservations imply the admission of a principle which is fatal to the whole basis upon which the Treaty was prepared.

Dealing with the reservations individually, the second is to Article X. Under this article, as drafted, the members of the League undertake to preserve against external aggression the territorial integrity of other members of the League. Under the reservation no obligation is to be imposed upon the United States under this article without the consent of Congress on each occasion. In consequence, therefore, if Congress refused its assent to action being taken the United States would take no part in the protection of the other members of the League. The President is probably right in saying that the effect of this reservation is to cut the heart out of the Covenant. It may well be that in practice the United States would move in flagrant cases, being forced thereto by public opinion at the moment, but the importance of the reservation is that it would destroy the feeling of confidence which the existence of the obligation would afford to the smaller States more liable to external aggression than an island empire like Japan or a vast continental republic like the United States. The doctrine preached at Paris was that the small States must trust to the League to protect them, but the small States cannot trust to the League unless they know that the members of the League are pledged definitely to support them. If the United States are entitled to stand out, other countries may claim the same liberty, and so long as that is possible the small States may feel that they can trust to nothing but to their own right hand, and that they must arm and train in self-defence.

To the British Empire the exclusion of the United States from the obligation under Article X means that burdens might have to be supported single-handed which no Government would lightly undertake without an assurance that the other great States would do their part, more particularly its great commercial rival across the Atlantic. Great Britain cannot take part in a war without diverting its shipping and its commerce from their normal channel, and if the United States are to be free to stand out, the Americans would use the opportunity to seize trade opportunities which Great Britain was forced to forgo.

There is the further danger that a country with world-wide trade like the United States might find the interests of her citizens adversely affected by the operations which were undertaken in support of one party under Article X and be driven into an attitude of opposition and to taking the other side in the struggle.

The fourth reservation, dealing with domestic questions, was of less importance up till the moment when the amendment to it was adopted bringing within its scope questions affecting the present boundaries of the United States, its insular and other possessions. In its present form the reservation is mere arrogance. It would be intolerable for the British Empire to admit that all questions affecting the 3,000

miles of boundary between Canada and the United States were questions solely within the domestic jurisdiction of the United States.

The importance of the reservation with regard to the Monroe Doctrine depends to a great extent upon the question whether the South and Central American Republics come into the League of Nations or not. If they came in and the United States stayed outside, the provision already appearing in the Covenant (Article XXII) that the Covenant is not to be deemed to affect the Monroe Doctrine, would operate only in cases where all the parties concerned admitted that the Monroe Doctrine applied. The Monroe Doctrine is merely a policy which varies from time to time, and if the South American Republics threw in their lot with the League it is not probable that they would admit a very extended operation to it. For them to accept the reservation in its present form would mean the acceptance by them of the principle that the Monroe Doctrine is to be interpreted by the United States alone. It is inconceivable that States like the A. B. C. Powers should agree to this. To my mind, unless the United States come in without reservations to the League of Nations the Monroe Doctrine is certain to give rise to so much friction as to render the Covenant unworkable, and I should be afraid that this fact will become so apparent to the other American Republics that they will hesitate to come into the League at all unless the United States do the same.

The sixth reservation is with regard to Shantung. It is difficult to see that the reservation will benefit China. Japan is now in possession of the rights which she claims in Shantung; China is hopeless without the support of the other Powers, and for the United States to dissociate itself from the Shantung articles in the Treaty means, I think, that the United States will not help in enforcing such limitations as the Treaty imposes upon Japan and will thereby weaken the elements that tend to help China.

The next reservation deals with the American representatives in all commissions, &c., under the Treaty of Peace. From the point of view of other Powers this reservation is of less importance. It is merely an attempt on the part of Congress to tie the hands of the Executive Government, but it means that where commissions, &c., are to be appointed by the Principal Allied and Associated Powers, America will not participate. If the other Powers are prepared to act without American participation their appointments of the commissions, &c., would not be invalid.

The ninth reservation, dealing with the expenses of the League, is also a domestic matter of small importance to other Powers. The objection to it is that which appertains to all reservations, that it purports to enable the United States to fail to carry out the obligations of the Treaty without violating it.

The tenth reservation deals with the limitation of armaments and provides that even if the United States adopts any plan for the limitation of armaments as proposed by the Council of the League, she shall be free whenever she is threatened with invasion, or whenever she is engaged in war, to increase such armaments. To my mind, this reservation destroys the chief merit of the League of Nations. The state of Europe before the war was one in which the perpetual increase in armaments and the continual state of tension that was arising between the European Powers were interacting upon each other in a way that rendered it impossible to say which was the cause and which was the effect; in practice armaments had grown to an extent which ensured tension, and periods of tension were becoming so frequent that the increase of armaments was inevitable. As Lord Grey once put it in the House of Commons, the continual increase of armaments was slowly bleeding Europe to death. Nothing was likely to stop it except the introduction of a state of affairs which would create sufficient confidence in the minds of the Powers to render arming in self-defence unnecessary. Five hundred years ago no individual in this country dared to go unarmed. Now he trusts to the constituted authorities to protect him. Consequently the arming of individuals in self-defence has become unnecessary and is no longer practised. Armaments are not going to disappear as between nations except for the same reason, and if every nation is to be entitled to increase the armaments beyond the agreed limitation whenever it considers itself threatened with invasion it is obvious that on the Continent of Europe the scheme outlined in Article VIII of the Covenant is not worth the paper on which it is written. It may well be that the scheme in Article VIII is itself incapable of realisation, but in any event it cannot work unless all accept it literally.

The eleventh reservation deals with the economic boycott. The economic boycott was the weapon wherewith the League intended to coerce an aggressive or recalcitrant

member. The complexities of modern commerce have rendered no nation self-supporting. On the other hand, there is no nation whose individual contribution to the commerce of the world is vital to all the rest; consequently an economic boycott, if it could be worked, was certain to be effective. An economic boycott with the Americans standing outside it is certain to mean that the Americans will endeavour to trade with the boycotted country. The drafting of Article XVI of the Covenant is very unsatisfactory because it is not made sufficiently clear that the prohibition of intercourse between nationals of the one party and nationals of the other is merely complementary to the prohibition of trade between the two countries; but whatever the precise effect of the article, it is essential that the United States and American citizens should not be allowed to trade in any way in which other members of the League and the nationals of those members are prohibited from doing. Any claim for special treatment for the citizens of an active commercial Power like the United States is bound to bring the whole machine of the economic boycott to grief.

The twelfth reservation deals with the rights of United States citizens in property affected by Articles 296 and 297 of the Treaty of Peace. This is a reservation aimed directly at the Allies. If it means anything, it means that the measures which the Treaty entitles a country like the United Kingdom to take with regard to enemy property in this country are liable to be complicated by complaints that the property rights of American citizens are adversely affected. During the war we have had several tiresome questions with the United States of this kind, arising out of the liquidation of German businesses whose owners were alleged by the United States to be American citizens. Any acceptance of the principle embodied in this reservation would be made the excuse by the United States Government for all manner of inconvenient claims, and would certainly render more tiresome the working of all the proposed machinery for the settlement of debts and for the treatment of enemy property.

The papers this morning state that President Wilson has announced his intention to refuse to accept the reservations passed by the Senate. In that case the United States Government will not ask the other Powers whether or not they are prepared to accept these reservations. It is to be hoped that President Wilson will stand by the statements he has made. If he does not, His Majesty's Government will then be face to face with the question whether they are prepared to undertake the responsibilities which the Covenant of the League of Nations entails upon them if the United States decline to participate.

The Covenant cannot be separated from the rest of the Treaty, and, great as the responsibilities and obligations which the Covenant entails may be, it seems that the loss of the Treaty would be a greater disaster. In these circumstances the suggestion which was recently made that His Majesty's Government should couple their ratification of the Treaty with a declaration that they will withdraw from the League at the end of the period of two years provided for in Article I ought to be seriously considered. To me it seems the only way out of the difficulty. It could be made subject to an intimation that if all the other civilised Powers joined the League it would be withdrawn, and also with a suggestion that unless they had done so a conference of all the Powers who signed the Treaty of Peace with Germany and all those who were invited to become original members of the League should take place to arrive at an agreed substitute for the existing Covenant.

The existing Covenant of the League is not by any means an ideal instrument, and if, within two years, it were possible to substitute an improved and simplified draft for the existing one, it would be a great advantage.

November 18, 1919.

C. J. B. HURST.

Appendix 14 to No. 11.

MEMORANDUM BY MR. SHEARMAN (FOREIGN OFFICE).

American Reservations to the Peace Treaty.

THIS memorandum should be read as supplementing Mr. Hurst's memorandum of the 18th November, since which date the situation has been somewhat modified.

Mr. Hurst's memorandum deals with the reservations which are now numbered 2, 4, 5, 6, 7, 9, 10, 11 and 12. The proposals now before the Senate comprise a preamble and fourteen reservations.

From a legal point of view, reservations 8 and 12 are more important, so they are dealt with first:—

8. The import and export of goods between Germany and the United States of America is not an essential feature of the reparation clauses. As far as can at present be judged, this part of the treaty would not be seriously impaired by the reservation.

It is, however, right to observe that the reservation might give rise to some inconvenience. If we are forbidden to interfere with the export of dyestuffs or raw materials which Germany is bound to hand over under the reparation clauses, it may be more difficult for the Allies to enforce the option referred to in paragraph 1 of annex 6 to these clauses. A concrete case might arise in which Germany refused to hand over dyestuffs or chemicals on the ground that they were allocated to an American contract, and it then might be arguable, if this reservation is accepted, that the Allies had no power to interfere with that contract.

12. Mr. Hurst has dealt with this in his memorandum (page 3, paragraph 3). There seems to be little to add, except that the reservation would not probably impair the working of articles 296, 297, &c., of the treaty. The expression "the rights of citizens of the United States" is wide and vague, and if they come in as parties to the treaty, questions of this sort could probably be adjusted. Mr. Hurst points out that the principal effect would be that the working of the machinery dealing with this part of the treaty would be rendered more tiresome.

As to the remaining reservations:—

1. Withdrawal from the League. The Americans claim by this reservation that they are to be the sole judges as to whether their obligations have been fulfilled. The article itself is ambiguous, but inasmuch as membership of the League in itself constitutes in some measure a derogation from sovereignty it seems reasonable that all the members of the League together, not the United States of America alone, should be the judges of whether their obligations have been fulfilled.

2. This is the reservation to article 10, and is dealt with in Mr. Hurst's memorandum. It is difficult to see how this part of the treaty can be effected if this reservation remains.

3. Mandates. There appears to be no legal objection to this. Article 22 of the covenant states that mandates are for those "who are willing to accept them." This seems to be in harmony with the reservation.

4. Mr. Hurst thought that the principal objection to this reservation was the insertion of the "boundaries of the United States of America." This expression has now been omitted.

5. As Mr. Hurst points out, the importance of this reservation as to the Monroe Doctrine depends upon whether the South American republics come into the League of Nations.

6. The Shantung reservation, which is commented upon in Mr. Hurst's memorandum.

7. United States representatives under the treaty. As stated by Mr. Hurst, there seems to be little importance in this reservation.

8. Already dealt with.

9. American contributions to the League's expenses. This is unimportant.

10. Limitation of armaments. This is very important, and Mr. Hurst's objections to this reservation still stand.

11. Reservation as to article 16 of the Covenant. Mr. Hurst has advised on this already, but it is well to point out that in strict legal parlance this reservation is not in itself inconsistent with the blockade of the Covenant-breaking State. We and the United States have always asserted that domicile, not nationality, is the real test of enemy trading. The effectiveness of blockade depends largely on the strict application of the doctrine of continuous voyage. Whether the Americans insist on trading with nationals of the Covenant-breaking State resident in territory adjacent thereto or with neutral agents the continuous voyage of contraband goods would still be a matter of proof and would not be affected to a considerable degree by this reservation. As Mr. Hurst points out, however, the reservation would gravely damage the economic boycott and make it difficult to put in force measures of financial blockade or to adopt machinery such as the Statutory List which was of great service to us during the war. It is also, obviously, gravely inconvenient.

if the Americans adopt a different system to that adopted by other members of the League.

12. Already dealt with.

13. The effect of this reservation, which is not dealt with in Mr. Hurst's memorandum, is to make the labour clauses of the treaty dependent upon the assent of Congress.

14. The "Lenroot reservation" is that designed to limit the voting power of the British Empire on the Council or Assembly of the League. This question is dealt with separately.

In addition to the above fourteen reservations there is now before the Senate a preamble, providing that the ratification of the treaty by the United States shall not take effect until the reservations have been accepted by an exchange of notes "as a part and condition of such resolution of ratification by at least three of the four Principal Allied and Associated Powers, to wit: Great Britain, France, Italy and Japan." In other words, the United States would require the Allies to accept, as a condition of the entry of the United States into the League, such interpretations of, and changes in, the treaty as may result from the reservations finally adopted.

W. S.

Foreign Office, December 29, 1919.

Appendix 15 to No. 11.

RESERVATIONS OF THE UNITED STATES SENATE TO THE TREATY OF PEACE WITH GERMANY.

Preamble.—That the Senate advise and consent to the ratification of the Treaty of Peace with Germany, concluded at Versailles on the 28th June, 1919, subject to the following reservations, understandings and interpretations, which shall be made a part of the instrument of ratification, which ratification is not to take effect or bind the United States until said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and condition of said resolution of ratification by at least three of the four Principal Allied and Associated Powers, to wit; Great Britain, France, Italy and Japan

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the League or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the Treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorise the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the Treaty of Peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labour, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this Treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other Power.

5. The United States will not submit to arbitration or to inquiry by the Assembly or by the Council of the League of Nations, provided for in said Treaty of Peace, any questions which in the judgment of the United States depend upon or relate to its

long established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said Treaty of Peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the Assembly and the Council of the League of Nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the Treaty of Peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives so defined, no person shall represent the United States under either said League of Nations or the Treaty of Peace with Germany or be authorised to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences, except with the approval of the Senate of the United States.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organised under the League of Nations or under the Treaty or for the purpose of carrying out the Treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the Council of the League of Nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the Council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the Covenant of the League of Nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the Treaty of Peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427 inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organisation established by said Part XIII, and in such event participation of the United States will be governed by and conditional on the provisions of such act or joint resolution.

14. The United States assumes no obligation to be bound by any election, decision, report, or finding of the Council or Assembly in which any member of the League and its self-governing dominions, colonies, or parts of Empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the Council or Assembly arising out of any dispute between the United States and any member of the League, if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

6143

No. 12.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.35 A.M., February 4, 1920.)

TELEGRAM.

[Answered by No. 18.]

(Paraphrase.)

February 3. Article 15 Covenant of League of Nations. With reference to your telegram of 9th January* the despatch with papers referred to have not arrived yet, but the terms of Reservation No. 14 have been carefully considered by the Canadian Government and they see no reason to modify position taken in reply to your telegram of 8th November† regarding this Reservation.

The first part of this Reservation cannot be read as other than a direct challenge of the status of the Dominions in the League of Nations and the denial of their right to vote. The Canadian Government, therefore, is unalterably opposed to any assent, either by positive declaration or by silence, which should be deemed acquiescence, to this Reservation, and if any Reservation is finally adopted by United States as part of its ratification which challenges the position or status of Canada in the League Canada will dissent therefrom, and a protest against its acceptance will be filed, and they will reserve full freedom of action under such conditions.

My Ministers do not understand on what ground the United States could be given additional votes in the Assembly without changing the whole basis of representation and voting. If population is chosen then the proportionate voting strength in the League of the British Empire would be more than double what it is at present, and the voting strength of the United States would be correspondingly reduced. If the United States is entitled to additional votes then other Powers are equally entitled, and the voting ceases to be on the basis of membership in the League, and [? some other] rule equally applicable to all nations must be adopted.—DEVONSHIRE.

6143

No. 13.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Commonwealth of Australia (2)
(New Zealand
(Union of South Africa

} Secret.)

My Lord,

Downing Street, February 11, 1920.

IN continuation of my secret telegram of the 9th January and my secret despatch of the 12th January,‡ I have the honour to transmit to your Excellency, to be laid before your Ministers, paraphrase of a telegram§ from the Governor-General of Canada respecting the Reservation adopted in the United States Senate affecting the voting power of the British Empire under the Covenant of the League of Nations.

I have, &c.

(For the Secretary of State),

L. S. AMERY.

8372

No. 14.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.5 A.M., 14th February, 1920.)

TELEGRAM.

[Answered by No. 18.]

(Paraphrase.)

February 13. British votes in League of Nations. With reference to your telegram of 9th January and my telegram of 3rd February|| my Ministers have been

* No. 10.

† No. 1.

‡ Nos. 10 and 11.

§ No. 12.

|| Nos. 10 and 12.

222

informed confidentially from United States source that a modification of the Lenroot Reservation is likely to be agreed upon in the following terms:—

"Until Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing Dominions, Colonies, or part of Empire in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound by any election, decision, finding, or report of Assembly or Council in which any member of the League and its self-governing Dominions, Colonies, or parts of Empire, in the aggregate have cast more than one vote. United States assumes no obligation to be bound by any decision, finding, or report, of Assembly or Council arising out of any dispute between United States and any member of the League if such member or any self-governing Dominion, Colony, Empire, or part of Empire, united with it politically has voted." Ends.

The Canadian people would look upon the final adoption of such a Reservation by the United States Government as a direct challenge of their position. Such action would be deeply resented here, and the Canadian Government cannot possibly accede to it. My Ministers feel that it should be made perfectly clear to the United States Government that no such Reservation either in its original or modified form as is contained in first portion of Lenroot Reservation could be acceded to by the British Empire. My Ministers feel it necessary clearly to advise you of the situation before any further action is taken.—DEVONSHIRE.

9458

No. 15.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.4 P.M., February 21, 1920.)

TELEGRAM.

[Answered by No. 18.]

(Paraphrase.)

February 20. My telegrams of 3rd and 13th February,* United States Senate reservations to Treaty. My Ministers are concerned as to the combined effect of Lenroot reservation and the resolving clause, which required in the original form affirmative acceptance by three of the principal Allied and Associated Powers, and requires in present amended form acceptance by Allied and Associated Powers, and states that failure on the part of such Powers to object will be taken as acceptance.

My Ministers would be glad to know what representations have been made in Washington in any quarter regarding Lenroot reservation and the resolving clause.

The advice of Law Officers here has been taken in view of vital importance of question to Canada and of embarrassing position that might arise. Their view is that it would be necessary under this clause, if adopted in either form, to have the assent of His Majesty on behalf of all the member-nations of the British Empire, and the dissent of His Majesty on behalf of any one of these members would prevent both resolution from taking effect and American ratification. As His Majesty's Government has agreed not to consent without our consent to any change in our position, and as Canadian Government would have no other alternative but to dissent, conclusion is that ratification could not become effective. My Ministers enquire whether His Majesty's Government share this view as to the effect of proposed reservation. Immediate answer would be greatly appreciated.—DEVONSHIRE.

* Nos. 12 and 14.

8372

No. 16.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL

(Commonwealth of Australia }
 (New Zealand } Secret.)
 (Union of South Africa }

My Lord,

Downing Street, February 21, 1920.

WITH reference to my secret despatch of the 11th February,* I have the honour to transmit to your Excellency, to be laid before your Ministers, paraphrase of a further telegram† from the Governor-General of Canada respecting the Reservation adopted in the United States Senate affecting the voting power of the British Empire under the Covenant of the League of Nations.

I have, &c.
 (For the Secretary of State),
 L. S. AMERY.

9458

No. 17.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Commonwealth of Australia }
 (New Zealand } Secret.)
 (Union of South Africa }

Sir,

Downing Street, February 27, 1920.

WITH reference to my Secret despatch of the 21st February,‡ I have the honour to transmit to your Excellency, to be laid before your Ministers, a paraphrase of a further telegram§ from the Governor-General of Canada respecting the Lenroot Reservations.

I have, &c.
 (For the Secretary of State),
 L. S. AMERY.

9458

No. 18.

Canada.

THE ACTING SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9:30 P.M., March 8, 1920.)

TELEGRAM.

[Answered by No. 24.]

(Paraphrase.)

WITH reference to your telegrams of the 3rd, 13th, and 20th February,|| His Majesty's Government recognise that Lenroot Reservation involves departure from the agreement arrived at in Paris and accept entirely the view that the dissent of any Dominion Government will prevent the Empire from accepting the Reservation. So far no official representations with regard to Reservation have been made to United States Government, but, in view of your Ministers' representations and objection of Australia and South Africa (see my Secret despatch 12th January¶) to second part of Reservation, His Majesty's Government are quite prepared to make clear to Government of United States of America that we cannot accept Reservation if and when the Reservation and Resolving Clause are actually adopted and before ratification as contemplated in the latter. The fate of the Reservation and of the whole Treaty is apparently still doubtful, and it is worth consideration whether any public declaration

* No. 13.

† No. 14.

‡ No. 16.

§ No. 15.

|| Nos. 12, 14 and 15.

¶ No. 11.

now would not be used to consolidate American opinion in support of the policy expressed in the Reservation. His Majesty's Government would be glad to have opinion of your Government on this point, as, if they are disposed to agree, it would seem to be wiser to see whether Reservation is finally adopted, and, if so, in what form, before making a public announcement as to our position.

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9458

No. 19.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.10 P.M., March 13, 1920.)

TELEGRAM.

[Answered by Nos. 22 and 23.]

(Commonwealth of Australia }
 (New Zealand } Secret.)
 (Union of South Africa }

(Paraphrase.)

March 13. My despatch of 12th January, Secret.* United States Senate Reservations to Treaty. The Canadian Government have made further representations as to combined effect of first part of Lenroot Reservation and resolving clause, i.e., preamble.

Latest version of first part of Lenroot Reservation is as follows:—

Begins: Until Covenant League of Nations so amended as to provide that United States shall be entitled to cast number of votes equal to that which any member of League and its self-governing Dominions, Colonies, or parts of Empire in aggregate shall be entitled to cast, United States assumes no obligation to be bound except in cases where Congress has previously given its consent by any decision, &c., of Council or Assembly in which any member of League and its self-governing Dominions, Colonies, or parts of Empire in aggregate have cast more than one vote.—*Ends.*

Resolving clause in amended form requires acceptance by Allied and Associated Powers of all Reservations adopted by Senate, and states that failure on part of such Powers to object to Reservations prior to deposit of ratification by United States will be taken as acceptance.

The Canadian Government point out that first part of the Lenroot Reservation, whether in its original or modified form, cannot be read as other than a direct challenge of status of the Dominions in the League of Nations and the denial of their right to vote. They do not understand on what ground United States could be given additional votes in Assembly without changing whole basis of representation and voting. If population is chosen then proportionate voting strength of British Empire in League would be more than double what it is at present, and the voting strength of United States would be reduced correspondingly. If United States is entitled to additional votes then other Powers are equally entitled and voting ceases to be on the basis of membership in the League, and some other rule equally applicable to all nations must be adopted.

Canadian Government state that they are opposed unalterably to any assent, either by positive declaration or by silence which could be deemed acquiescence to first part of Lenroot Reservation, and that if any reservation is finally adopted by United States as part of its ratification which challenges the position or status of Canada in the League, Canada will dissent therefrom, and a protest against its acceptance will be filed, and they will reserve full freedom of action under such conditions.

Canadian Government are advised that whichever form of resolving clause adopted, it would be necessary to have assent of His Majesty on behalf of all member nations of British Empire, and that dissent of His Majesty on behalf of any one of these members would prevent both resolving clause from taking effect and also ratification by the United States. Canadian Government enquire whether His Majesty's Government share this view.

* No. 11.

Canadian Government have asked also that it should be made perfectly clear to the United States Government that no such Reservation, either in its original or modified form as is contained in first portion of Leuroot Reservation, could be acceded to by the British Empire.

Reply was sent to the Canadian Government, 8th March, as follows:—

Begins: His Majesty's Government recognise . . . [see No. 18] . . . public announcement as to our position. *Ends.*

No reply has yet been received from the Canadian Government. Will keep your Ministers informed as to developments.

As His Majesty's Government may have to take action as indicated in above telegram to Canada at very short notice, should be glad to have their observations as quickly as possible.

9458

No. 20.

Canada.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Secret.)

My Lord Duke,

Downing Street, March 15, 1920.

WITH reference to my telegram of the 8th March,* I have the honour to transmit to your Excellency, to be laid before your Ministers, a copy of a telegram† which I have sent to the Governors-General of the Commonwealth of Australia, New Zealand, and the Union of South Africa on the subject of the Reservations to the Treaty with Germany now before the United States Senate.

I have, &c.
(For the Secretary of State),
L. S. AMERY.

12517

No. 21.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia

(New Zealand

(Union of South Africa

Dominions Treaty No. 4, Secret.)

[My Lord Duke], [My Lord], [Sir].

Downing Street, March 16, 1920.

WITH reference to the concluding paragraph of my Secret despatch of the 12th January,‡ I have the honour to transmit to your Excellency, to be laid before your Ministers, a print showing amended Reservations to the Treaty of Peace with Germany before the United States Senate as received at the Foreign Office on 25th February.

I have, &c.
(For the Secretary of State),
L. S. AMERY.

Enclosure in No. 21.

Amended Reservations of the United States Senate to the Treaty of Peace with Germany.—(Received at Foreign Office, February 25, 1920.)

[Amendments shown in erased type and italics.]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification which ratification is not to take effect or bind the United States until the

* No. 18.

† No. 19.

‡ No. 11.

said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four Principal Allied and Associated Powers, to wit, Great Britain, France, Italy and Japan as a part and a condition of this resolution of ratification by the Allied and Associated Powers and a failure on the part of the Allied and Associated Powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said Powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by concurrent resolution of the the President or by Congress of the United States alone whenever a majority of both Houses may deem it necessary.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the League or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorise the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the Treaty of Peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labour, coastwise traffic, tariff, internal commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other Power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said Treaty of Peace, any questions which in the judgment of the United States depend upon or relate to its long established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said Treaty of Peace with Germany.

6. The United States withholds its assent to articles 156, 157 and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorised to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

No person is or shall be authorised to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorised by said Treaty of Peace with Germany, except pursuant to an Act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the Reparation Commission will regulate

[5619]

E 2

or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, *except the office force and expenses of the secretariat, or of any commission, or committee, or conference, or other agency, organised under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.*

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of Article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than that violating said Article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the Treaty of Peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427 inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organisation established by said Part XIII, and in such event participation of the United States will be governed by and conditional on the provisions of such act or joint resolution.

14. *The Until Part I, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote.*

The United States and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the League if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15240/S

No. 22.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.15 A.M., March 24, 1920.)

TELEGRAM.

(Paraphrase.)

With reference to your telegram of 13th March,* United States Senate reservations to Treaty. Government of New Zealand adopts the same position as the Canadian Government, but it desires to leave it absolutely to the discretion of Imperial Government whether a protest against the terms of the Lenroot reservation should be made to the United States. The force of the reasons against present action as set forth in the latter part of your telegram is appreciated by my Government.—LIVERPOOL.

* No. 19.

16538/S

No. 23.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.34 P.M., March 30, 1920.)

TELEGRAM.

(Paraphrase.)

Referring to your telegram 13th March* asking for views of my Government with regard to United States reservations to Peace Treaty, my Prime Minister desires me to refer you to my telegram 14th November† which made it clear that Commonwealth Government was not prepared to agree to abandon its right to sit on the League of Nations on equal footing with other small Powers and consequently was unable to agree to Lenroot reservation. This applied to amendment, whether in modified or original form. My Prime Minister adds: "I assume that definite rejection of Treaty by the United States Senate has now completely changed position and that question of reservations upon Treaty does not and cannot arise unless and until this rejection is rescinded."—MUNRO FERGUSON.

21946/S

No. 24.

Canada.

THE ADMINISTRATOR TO THE SECRETARY OF STATE.

(Received 2.15 A.M., May 1, 1920.)

TELEGRAM.

(Paraphrase.)

April 30. Your telegram of 8th March, your Secret despatch of 15th March,‡ Peace Treaty reservations. Canadian Government note with satisfaction that His Majesty's Government are prepared to make clear to the United States Government that they cannot accept reservations and resolving clause if and when adopted by the Senate. In their telegrams of 13th February and 20th February§ the Canadian Government did not contemplate any public declaration by His Majesty's Government but rather that His Majesty's Ambassador at Washington should make the position of the Canadian Government perfectly clear in the proper quarter there. In view of course of events neither public declaration nor further representation at Washington is at present necessary. However, if at a later date the matter should again come before the United States Senate my Ministers feel that it would be desirable that their position should be formally made known to the United States Government in advance of final action by Senate in order to avoid any possible misunderstanding. Should Canadian representative at Washington be appointed before further action becomes necessary the matter could be taken up by him.

24079

No. 25.

Canada.

THE ADMINISTRATOR TO THE SECRETARY OF STATE.

(Received May 15, 1920.)

(No. 294.)

My Lord,

Ottawa, May 1, 1920.

I HAVE the honour to transmit herewith copies of an approved minute of the Privy Council for Canada on the subject of British representation on the Council of the League of Nations.

I have, &c.

L. H. DAVIES, Administrator.

* No. 19.

† No. 5.

‡ Nos. 18 and 20.

§ Nos. 14 and 15.

Enclosure in No. 25.

Certified Copy of a Report of the Committee of the Privy Council, approved by his Excellency the Administrator on April 26, 1920.

(P.C. 304.)

THE Committee of the Privy Council have had before them a report, dated the 5th February, 1920, from the Right Honourable Sir George E. Foster, Acting Prime Minister, submitting that your Excellency's Ministers have observed that at the recent meeting of the Council of the League of Nations Earl Curzon attended as representative, presumably of the British Empire. While they have no desire to take exception in any way to the representative selected, they deem it proper to point out that they were in no way consulted as to his selection. The British Empire, being a member of the Council of the League of Nations, it appears to your Excellency's Ministers but proper that the designation of its representative should be determined upon only after consultation with the Governments of the different nations composing the Empire.

Your Excellency's Ministers desire further to point out that, from the text of the convocation of the meeting of the Council issued by President Wilson, as given to the public through the press, Great Britain alone and not the British Empire was invited to send a representative to the Council. This does not appear to your Excellency's Ministers to be in accordance with the provisions of the Covenant, under which permanent membership in the Council belongs (not to Great Britain but) to the Empire as a whole. They would suggest that this matter be brought to the notice of the officer or authority to whom may belong the duty of convoking meetings of the Council, so that a similar mistake may be avoided in the future.

Your Excellency's Ministers are moved to make these observations, not because they consider that any serious importance attaches to the particular incidents referred to, but because, in their judgment, it seems highly desirable that, in connection with all matters pertaining to the League and its operations, no action should be taken which might give rise to any confusion or misunderstanding with regard to the position and rights of the British Empire as a whole, under the Covenant, and those of the Dominions as self-governing nations, members and component parts of that Empire.

The Committee, on the recommendation of the Acting Prime Minister, advise that your Excellency may be pleased to transmit a copy hereof, if approved, to the Secretary of State for the Colonies for the information of His Majesty's Government.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

39904

No. 26.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received August 11, 1920.)

(Secret.)

My Lord,

Governor-General's Office,
Melbourne, June 15, 1920.

With reference to your secret despatch of the 12th January, 1920,^{*} and enclosures, on the subject of the United States' Senate reservations to the Peace Treaty, I have the honour, at the instance of my Prime Minister, to forward to your Lordship the following observations of the Commonwealth Government on certain matters raised therein :—

(a.) Foreign Office telegram to Viscount Grey, October 24, 1919.†

The statement in second paragraph that "for one part of the Empire to be at war while another remained at peace would be impossible," &c., presumably means that, although the Commonwealth has no voice whatever in determining the foreign policy of Britain, a declaration of war by Britain involves the

* No. 11.

† Appendix 3 to No. 11.

Commonwealth *ipso facto* in war. While it is freely admitted that, as things stand to-day, Britain at war would make it practically impossible for Australia to be at peace, yet it is obvious that the recognition of the technical right of Britain to involve Australia in war would mean the abandonment of our right to self-government. And, of course, as time goes on—and the League presumably is intended to be permanent (if not, it is useless)—probably twenty-five or fifty years hence the population of the Dominions will be greater than that of Britain and the position would be untenable.

(b.) Telegram from Viscount Grey to the Foreign Office, October 26, 1919.*

The statement contained in the first sentence of the final paragraph is not concurred in.

(c.) Telegram from Governor-General of New Zealand to the Secretary of State for the Colonies, November 21, 1919.†

The suggested declaration (which it is assumed refers to declarations in (a) and/or (d)) is not approved, and the interpretation referred to is not concurred in.

(d.) Telegram from Viscount Grey to Foreign Office, November 14, 1919.‡

The suggested interpretation of the voting rights of different parts of the Empire under Article 15 of the Covenant of the League of Nations is not concurred in. See the views expressed above.

(e.) Telegram from Governor-General of South Africa to the Secretary of State for the Colonies, November 29, 1919.§

The views expressed by General Smuts are on the whole concurred in.

(f.) Minute by Director of the Legal Section of the League of Nations Provisional International Secretariat, October 15, 1919.||

The statement in the second last paragraph of the first page of this Minute, *re* the exclusion, in certain circumstances, of the votes of the parts of the Empire, is not concurred in.

I have, &c.

R. M. FERGUSON,

Governor-General.

* Appendix 5 to No. 11.
§ No. 7.

† No. 6.

‡ Appendix 7 to No. 11.
§ Appendix 12 to No. 11.

PART II.

Channels of Communication.

1510/S

No. 27.

THE ACTING SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 6.5 P.M., January 22, 1920.)

TELEGRAM.

[Answered by Nos. 28, 29, 30, 31, 32, 33 and 35.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

(Paraphrase.)

Now that the League of Nations has been formally constituted a question of great importance arises, viz., how correspondence between various British members of the League and the Secretariat-General on matters connected with business of the League should be conducted. It seems to us essential that without delay arrangements should be devised to ensure that we should present a united front on doubtful and controversial issues, and that any differences of point of view such as on first consideration of any question naturally present themselves should be discussed and harmonised between ourselves previously. There is otherwise a real danger that separate views once communicated to the Secretariat-General direct will tend to be sustained and that when a crisis arises we may find that we have drifted into divergent and even incompatible attitudes on some issue the seriousness of which was not realised when first it was raised. Such a result would weaken seriously influence and position of British Empire in international affairs and would hardly fail to react unfortunately on its internal relations. Against such contingency an obvious initial precaution would be an arrangement that all communications from and to League should go through some common channel or clearing house. Such a clearing house is being constituted as far as various British Government Departments are concerned in the shape of a branch of the Cabinet Secretariat. It is suggested that this branch might be similarly made use of *ad interim* by Dominion Governments for all communications either way without prejudice to future arrangements. This would ensure at any rate each part of the Empire being fully informed of policy of other parts before its own views are formally communicated to Secretariat-General. Something further would seem to be required, however, to facilitate arrival at agreement on common policy by providing some method of personal exchange of views and discussion, so helping to mitigate some of the delay and difficulty involved in endeavouring to deal with this problem purely by separate correspondence between six or seven separate Governments. This requirement would be met, it is suggested, if each Dominion appointed a representative here for purposes of League of Nations. Such representative need not necessarily be a Minister, as was contemplated in Imperial Cabinet Resolution, but a responsible person able to form judgment on points at issue and make recommendations to his Government with a view to securing common course of action after consultation with his fellow representatives.

Should be grateful for expression of your Ministers' views on above suggestions as early as possible and for any additional or alternative suggestions they may desire to make.

5683

No. 28.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.10 A.M., February 1, 1920.)

TELEGRAM.

[Answered by No. 34.]

(Paraphrase.)

January 31. With reference to your telegram of 22nd January* regarding correspondence with League of Nations, I have discussed the question with my Prime Minister. He asks me to say that it is impossible in view of overwhelming pressure due to elections for Ministers to give proper attention to the matter until they are over.—Buxton.

6533/S

No. 29.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.35 A.M., February 6, 1920.)

TELEGRAM.

(Paraphrase.)

February 5. Relations between League of Nations and various members of the British Empire. With reference to your telegram of 22nd January,* my Ministers realise the importance of this problem and recognise the necessity in order to avoid undesirable confusion, of careful provision for consultation. Some doubt arises as to how far this problem is in any acute form raised by the particular question of channel of communication with League Secretariat, and before reaching a final conclusion they would be glad to have the observations of His Majesty's Government on the following points:—

Your telegram implies that Secretariat itself will have some important jurisdiction in questions of policy involving serious controversial issues with possibilities of unfortunate divergencies of view. My Ministers had conceived that such questions would either be (1) for assembly, in which case the Canadian representative in attendance, after consulting with Ottawa and with other members of the British Empire delegation present, would present the view of the Canadian Government; or (2) for council, in which case the British representative could, through the existing channels of communication between His Majesty's Government and the Canadian Government, obtain special view of Canadian Government. On this aspect they would be glad to have the observations of His Majesty's Government, also some further indication of precisely how it is contemplated the League Secretariat will work, and what its scope will be.

Secondly. From the terms of your telegram my Ministers assume that all communications between nations parties to the League and the League Secretariat will be available for information of proposed Dominion representative, and for such observations as their Governments may desire to make. My Ministers would like to be advised whether if in any arrangement that may finally be reached in this matter some provision might not be made for rendering the intelligence which is received from day to day by His Majesty's Government concerning foreign affairs available to proposed Canadian representative.

Thirdly. Whether there has yet been any indication on the part of the members of League of an intention to appoint special representatives to reside at the seat of the League?

Fourthly. In the case of United Kingdom, what authority precisely will the

Secretary-General of the League address, whether, for example, Secretary of State for Foreign Affairs or Prime Minister?

Fifthly. In the case of other members of the League could you advise what is contemplated in this respect.

Some further description of the branch of Cabinet Secretariat, referred to in your telegram, its operations, its composition, and its relation to the Foreign Office would also be of assistance.—DEVONSHIRE.

9673/S

No. 30.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.30 P.M., February 21, 1920.)

TELEGRAM.

(Paraphrase.)

FOLLOWING from Prime Minister:—

Begins: Secret. League of Nations. Your telegram of 22nd January.* I quite agree that it is most desirable that on questions of great moment all parts of the Empire should present a united front. Also, I think that the suggestion that these should be discussed previously is good in itself, but the appointment for the purpose of discussion of a representative in London raises most important question. Whether the machinery is compatible with those rights of self-government which the Dominions possess and that status under the League of Nations which is accorded to them by the Treaty seems doubtful. Without prejudice to any such proposal, I think, however, that it is very desirable that the various parts of the Empire should keep in intimate touch with one another, and that each part should be informed of what the others are doing or intend to do, and I think that *pro tem.* a branch of the British Cabinet Secretariat would be the most convenient means of ensuring that each part of the Empire may, before its own views are communicated finally to Secretariat-General, be informed of the policy of other part.

I am of the opinion that the other suggestions in your telegram should stand over for consideration at the meeting of the Imperial Cabinet next year.—*Ends.*—FERGUSON.

10330/S

No. 31.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.15 A.M., February 26, 1920.)

TELEGRAM.

(Paraphrase.)

Secret. With reference to your telegram of 22nd January* with regard to the channel through which the correspondence of the various British members of the League of Nations with the Secretariat-General should be conducted, all such communications to and from League should, in the opinion of my Government, pass through the British Cabinet Secretariat as suggested in your telegram.—LIVERPOOL.

* No. 27.

12121

No. 32.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.58 A.M., March 6, 1920.)

TELEGRAM.

(Paraphrase.)

Secret. My telegram 26th February.* With reference to suggestion made in your telegram 22nd January,† my Prime Minister states that after careful consideration New Zealand Government decided not to take any action at the present time in the direction of appointing representative of New Zealand in London for League Nations purposes.—LIVERPOOL.

12235

No. 33.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11 P.M., March 6, 1920.)

TELEGRAM.

March 6th. Your telegram 22nd January and my telegram 6th February,‡ League of Nations. Owing to difficulty of discussing matter by telegraphic correspondence it has been decided to send an official of Department of External Affairs to London to confer with you on the spot. Accordingly Mr. L. C. Christie, Legal Adviser to Department, is sailing March 6th from New York on steamship "Carmania." It is hoped that you will put him in touch with appropriate authorities so that he may report back to Ottawa as soon as possible.—DEVONSHIRE.

NOTE.—Mr. Christie duly visited London and was placed in touch with the Cabinet Office and the Foreign Office. In view of his visit, no reply was sent to the Governor-General's telegram of 5th February (No. 29).

25574/S

No. 34.

Union of South Africa

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.50 P.M., June 1, 1920.)

TELEGRAM.

(Paraphrase.)

June 1. Referring to your telegram of 31st January,§ are your Ministers yet in position to reply to my telegram 22nd January,† correspondence with League of Nations?—MILNER.

* No. 31.

† No. 27.

‡ Nos. 27 and 29.

§ No. 28.

29327/S.

No. 35.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8 P.M., June 13, 1920.)

TELEGRAM.

(Paraphrase.)

12th June. With reference to your telegram of 1st June,* correspondence with League of Nations. Following from my Prime Minister: *Begins*:—I agree that there should be previous consultations and harmonization between the British members of the League on doubtful or controversial issues involved in correspondence with the Secretary-General of the League of Nations. But important considerations are involved in the machinery for such consultation and the channel of communication with the League and these could only be properly dealt with at some future Imperial Conference such as that on Constitutional Relations. I have great difficulty about the suggestion that the Dominions should use as an intermediary channel of communication a branch of the Imperial Cabinet Secretariat and would prefer that the whole subject should stand over for settlement at such a Conference, especially as I do not anticipate that any controversial or doubtful issues are likely to be discussed with the League at an early date. *Ends*.—Buxton.

* No. 34

Co 886/9/4

SECRET.

MANDATES.

- I.—POSITION OF MANDATORY POWERS.
- II.—PROCEDURE NECESSARY TO ENABLE DOMINION
GOVERNMENTS LEGALLY TO EXERCISE POWERS
CONFERRED UPON THEM BY MANDATES.

Correspondence with the Self-Governing Dominions,
1919 and 1920.

MAY 1921.

SUMMARY OF CONTENTS.

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PART I.					
Position of Mandatory Powers.					
			1919		
1	To the Governors-General	Commonwealth of Australia, Union of South Africa, New Zealand Telegram Confidential	July 18	Conveys text of form of Mandate for South-West Africa and former German Pacific Colonies agreed upon by Special Commission on Mandates appointed by Council of principal Allied and Associated Governments.	1
2	Dirto ...	Commonwealth of Australia, Union of South Africa, New Zealand Telegram Secret	July 18	States, with reference to No. 1, that Japanese delegate made his agreement to the form of Mandate subject to the insertion of Article IV.	2
3	The Governor-General	New Zealand Telegram	(Rec. Aug. 13)	Enquires whether form of Mandate may now be made public in New Zealand and Samoan Islands.	3
4	To the Governor-General	New Zealand Telegram	August 14	States that as the form of Mandate has not yet been approved, it is not yet possible to publish.	3
5	The Governor-General	Union of South Africa Telegram Confidential	August 15 (Rec. Aug. 15)	Asks that the passing of the Mandate may be expedited so that it reaches the Government by 5th September for communication to Union Parliament.	3
6	The High Commissioner	South Africa Telegram	August 14 (Rec. Aug. 16)	States that he is asking the Union Prime Minister to insert clause in South-West Territory Bill to provide that Caprivi Strip shall form part of the Bechuanaland Protectorate, or at least be administered by it.	3
7	To the Governor-General	Union of South Africa Telegram	August 19	Regrets, in reply to No. 5, that Mandate cannot be conferred by date mentioned, but suggests that the substance of the form of Mandate telegraphed in No. 1 shall be communicated to Union Parliament.	4
8	To the High Commissioner	South Africa Telegram	August 20	States, with reference to No. 6, that Mandate for all German South-West Africa will certainly be given to the Union, but sees no reason why the question of the administration of the Caprivi Strip should not be arranged locally between the High Commissioner and the Union Government.	4
9	To the Governors-General	Commonwealth of Australia, New Zealand Telegram	August 20	Regrets that Mandate cannot be conferred before Peace Treaty debate in [Commonwealth] [New Zealand] Parliament, but suggests that the substance of the form of Mandate telegraphed in No. 1 should be communicated to Parliament, emphasis being laid on provision that [the Commonwealth] [New Zealand] will have mandatory power over territory as an integral part of [Australia] [New Zealand].	4

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919					
10	The Governor-General	Union of South Africa Telegram	August 25 (Rec. Aug. 27)	Enquires whether there is any objection to form of Mandate being laid on the table of the House of Assembly as a draft only, and not for publication.	5
11	To the Governor-General	Union of South Africa Telegram	August 30	States that there is no objection to course proposed in No. 10.	5
12	Ditto ...	New Zealand Telegram	August 30	Conveys purport of Nos. 10 and 11.	5
13	Ditto ...	Commonwealth of Australia Telegram	August 30	Quotes telegram received from Commonwealth Prime Minister asking for exact terms of Mandates for Pacific Islands, and requests that he may be informed that Secretary of State has nothing to add to No. 9 except the proposal as regards South Africa (see Nos. 10 and 11.)	5
14	The Governor-General	New Zealand Telegram Confidential	September 6 (Rec. Sept. 6)	Conveys substance of telegram received from the Administrator of the Samoan Islands, and requests telegraphic authority to communicate terms of Mandate to Faipules at their next meeting on 10th September.	5
15	To the Governor-General	New Zealand Telegram	September 8	States, in reply to No. 14, that there is no objection to substance of form of Mandate being communicated to Faipules on lines indicated in No. 9.	6
16	The Governor-General	Commonwealth of Australia Telegram	(Rec. Sept. 10)	States that Prime Minister strongly urges making available precise terms of Mandate as approved by Council of Four.	7
17	Ditto ...	Commonwealth of Australia Telegram	(Rec. Sept. 15)	Conveys message from Prime Minister urging that certain provisos in the earlier draft should be reinserted and objecting to the wording of Article IV, for which he suggests substitution indicated.	7
18	To the Governor-General	Commonwealth of Australia Telegram	September 20	Replies to the points raised by the Prime Minister in No. 17.	7
19	Prime Minister of Commonwealth of Australia to the Prime Minister of the United Kingdom	Commonwealth of Australia Telegram Secret and Confidential	(Rec. Sept. 26)	Urges that the official approval of the Mandate may be expedited.	8
20	Prime Minister of the Commonwealth of Australia	Commonwealth of Australia	October 13 (Rec. Oct. 13)	States that now that peace has been formally ratified he expects the terms of Mandate to be ratified without delay.	8
21	Prime Minister, United Kingdom, to Prime Minister, Commonwealth of Australia	Telegram Secret	October 15	Indicates, in reply to Nos. 19 and 20, the causes of delay in conferring Mandate, and asks for specific information as to the damage to Australian interests involved.	8
22	The Governor-General	Union of South Africa Telegram	November 3 (Rec. Nov. 4)	Asks when the Mandate for South-West Africa is likely to be completed. Explains necessity for early action.	8

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1919.					
23	Prime Minister, Commonwealth of Australia, to Prime Minister, United Kingdom	Commonwealth of Australia Telegram	(Rec. Nov. 6)	Sends information requested in No. 21.	9
24	To the Governor-General	Union of South Africa Telegram	November 10	States, in reply to No. 22, that Mandate cannot be completed until approved by the Council of the League of Nations. Pending this approval the administration of South-West Africa should be carried on in accordance with the terms of the draft Mandate.	9
25	The Governor-General	Commonwealth of Australia Telegram	(Rec. Nov. 15)	Transmits further message from Prime Minister complaining of delay in conferring Mandate, especially in view of Japanese action in the Pacific Islands and of general unrest in the Commonwealth.	10
26	To the Governor-General	Commonwealth of Australia Telegram	November 19	Transmits message to Prime Minister stating that, in view of America's attitude, it is possible that action may be taken by the other Powers concerned without waiting for the constitution of the League.	10
1920.					
27	The Governor-General	Commonwealth of Australia Telegram	(Rec. Feb. 3)	Conveys message from Prime Minister urging immediate ratification of Mandates, especially in view of the activity of Japan in New Guinea.	11
28	Ditto ...	Union of South Africa Telegram	March 4 (Rec. Mar. 4)	States that his Prime Minister informs him that delay in issue of Mandate for South-West Africa territory is raising suspicion and considerable speculation. Enquires how the matter stands and when Mandate may be expected.	12
29	To the Governors-General	Commonwealth of Australia, Union of South Africa Telegram Secret	March 12	Conveys message for Prime Minister stating that His Majesty's Government regret that, for reasons given, it is not possible to fix any probable date for the issue of Mandate. Observes that an Order in Council has been prepared conferring power on New Zealand Government to establish civil Government in Samoa.	12
30	Ditto ...	Commonwealth of Australia, Union of South Africa, Telegram Secret	March 12	States that reply to Nos. 27 and 28 is conveyed in No. 29.	12
31	To the Governor-General	New Zealand Telegram Secret	March 17	Conveys purport of No. 29 for communication to Prime Minister.	13
32	To the Governors-General	Commonwealth of Australia, Union of South Africa, New Zealand Telegram	March 17-18	Conveys text of draft conventions for conferring Mandates relating to [New Guinea] [South-West Africa] [Samoa].	13

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920.					
33	To the Governors-General	Canada Confidential 2 Commonwealth of Australia Confidential New Zealand Confidential Union of South Africa Confidential 2	March 23	Transmits copies of draft conventions for conferring the Mandates in respect of South-West Africa, New Guinea, Samoa and Nauru. States that it has not been possible to make any progress with these conventions owing to the objection of the Japanese Government to omission of provisions regarding equal opportunities for trade and commerce.	15
34	The Governor-General	Union of South Africa Telegram	April 1 (Rec. Apr. 2)	Enquires whether draft Mandate in No. 32 was agreed to by Supreme Council in form telegraphed.	16
35	To the Governor-General	Union of South Africa Telegram	April 6	States, in reply to No. 34, that the Supreme Council adopted draft conventions relating to Mandates for German East Africa, subject to examination by Drafting Committee, but did not adopt those for Pacific and South-West Africa owing to the attitude of the Japanese representative, as described in No. 29.	16
36	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Confidential	April 17	Transmits copies of notes to the French and Japanese Ambassadors relative to a suggested amendment to Article 4 of "C" Mandates.	16
37	The Governor-General	Commonwealth of Australia Telegram	(Rec. May 24)	Conveys message from Prime Minister complaining of delay in the issue of Mandates owing to the opposition of Japan, and urging that diplomatic pressure should be brought to bear on Japanese Government to join in the immediate issue of Mandate.	18
38	To the Governor-General	Commonwealth of Australia Telegram	May 26	States, in reply to No. 37, that everything possible is being done by His Majesty's Government to obtain a settlement.	19
39	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	June 30	States that, with a view to expediting the settlement of the question of Mandates, the draft conventions prepared for ratification have been turned into declarations containing provisions quoted. States also that it is proposed that all declarations should be signed on behalf of the Dominions, and asks that representative be nominated for that purpose. Remarks that Japan is still maintaining objection previously urged.	19
40	The Governor-General	Union of South Africa Telegram	July 2 (Rec. July 2)	States, in reply to No. 39, that Ministers nominate Mr. Blankenberg, Acting High Commissioner, to sign on behalf of the Union.	20
41	Ditto ...	New Zealand Telegram	July 4 (Rec. July 4)	States, in reply to No. 39, that Government nominates Sir James Allen, High Commissioner, to sign on behalf of New Zealand.	20

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1920.					
42	The Governor-General	Canada Telegram	July 5 (Rec. July 5)	States, in reply to No. 39, that Sir G. Perley has been designated as representative to sign on behalf of Canada.	20
43	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 14 Confidential	July 6	Transmits copies of draft declarations relating to Mandates for former German colonies.	20
44	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 15 Confidential	July 13	Transmits copy of despatch from Secretary of State for Foreign Affairs to His Majesty's Ambassador at Tokyo respecting the attitude of the Japanese Government with regard to the "C" Mandates.	21
45	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 18 Confidential	July 28	Transmits copy of a further despatch from the Secretary of State for Foreign Affairs to His Majesty's Ambassador at Tokyo regarding the opposition of the Japanese Government to the "C" Mandates.	22
46	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Secret	August 21	Transmits four documents respecting the Japanese attitude with regard to the "C" Mandates. Explains the attitude of the Japanese Government and the conditions on which they are prepared to sign the "C" Mandates.	24
47	The Governor-General	Commonwealth of Australia Telegram	(Rec. Nov. 15)	Conveys views of his Government on the Japanese proposals.	30
48	To the Governors-General	Canada, New Zealand, Union of South Africa Secret	November 29	Transmits copy of No. 47.	31

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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PART II.

Procedure necessary to enable Dominion Governments legally to exercise powers conferred upon them by Mandates.

1919.					
1	The Governor-General	New Zealand Telegram	(Rec. Aug. 23)	Asks for definite information as to legal position of Samoan Islands, and enquires at what date the new status of the islands will commence.	32
2	To the Governor-General	New Zealand Telegram	August 26	Replies to enquiry in No. 1. States that Order in Council might be issued under Foreign Jurisdiction Act, conferring jurisdiction on New Zealand Parliament over Samoa. Asks for observations as to the drafting of such an order.	32
3	The Governor-General	New Zealand Telegram	(Rec. Sept. 4)	States that Ministers approve proposal to issue Order in Council conferring jurisdiction on New Zealand over Samoa, and suggest form of draft order in terms quoted.	33
4	Ditto ...	New Zealand Telegram	(Rec. Sept. 16)	Enquires whether there is any objection to legislation respecting the government of Samoan Islands being submitted to New Zealand Parliament in anticipation of ratification of Peace Treaty and the issue of Order in Council referred to in No. 2.	33
5	To the Governor-General	New Zealand Telegram	Sept. 18	States, in reply to No. 4, that it is not clear how New Zealand Parliament can legislate for Government of Samoan Islands in advance of proposed Order in Council, which cannot be issued until Mandate has been formally conferred and accepted. Suggest alternative procedure.	33
6	The Governor-General	Union of South Africa Telegram	Sept. 19 (Rec. Sept. 19)	States that he has assented to the Treaty of Peace and South-West Africa Mandate Bill, and gives briefly its purport.	34
7	Ditto ...	New Zealand Telegram	(Rec. Sept. 30)	States, in reply to No. 5, that a Bill will be immediately introduced for the acceptance of any Mandate conferred for the government of the Samoan Islands, and conveys wishes of his Government as to the provisions of the Order in Council under the Foreign Jurisdiction Act.	35
8	To the Governor-General	Union of South Africa Telegram	November 8	Discusses the question of the procedure for conferring legislative authority over mandated territories. States steps being taken as regards New Zealand. Suggests that the matter should be discussed with General Smuts as regards South-West Africa and as to the passing of an Order in Council similar to that for Samoa.	35
9	The Governor-General	Union of South Africa Telegram	November 13 (Rec. Nov. 13)	States that Prime Minister is considering No. 8 carefully. As regards the Order in Council, he takes a different view, and as regards Samoa, he hopes it will not be issued until the Secretary of State has considered his views.	36
10	Ditto ...	Union of South Africa Telegram	November 15 (Rec. Nov. 19)	Conveys message from Prime Minister replying to No. 8.	37

1919.					
11	The Governor-General	Union of South Africa 885	November 24 (Rec. Dec. 20)	Transmits copy of a memorandum issued by Prime Minister to all departments of the Union Government as to the interim system of administration in South-West Africa pending the acceptance of the Mandate.	38
1920.					
12	Ditto ...	New Zealand 207	November 14, 1919 (Rec. Jan. 2, 1920)	Transmits copies of the Treaties of Peace Act, 1919, which, <i>inter alia</i> , empowers the Governor-General in Council to make the necessary provisions in New Zealand for the effective exercise of jurisdiction over Samoa.	39
13	Ditto ...	New Zealand Telegram	January 27 (Rec. Jan. 27)	Enquires whether authority to govern Samoan Islands in accordance with terms of peace may be expected in the near future.	41
14	To the Governor-General	New Zealand Telegram	February 3	Communicates views of General Smuts respecting the issue of Mandates, and states the procedure now proposed.	41
15	Ditto ...	Commonwealth of Australia Telegram	February 7	States that the Secretary of State has been in communication with New Zealand and South Africa as to the manner in which provision should be made for the execution of Mandates. Quotes terms of No. 14 and gives purport of New Zealand Act No. 20. Requests Ministers' views on question of validation for past action.	42
16	Ditto ...	Union of South Africa Telegram	February 7	States, in reply to No. 10, that the whole question has been reconsidered. Communicates terms of No. 14, and asks for views of General Smuts as to validating past action in German South-West Africa.	42
17	The Governor-General	Commonwealth of Australia Telegram Secret	(Rec. Feb. 12)	Transmits message from Prime Minister concurring in views expressed by General Smuts.	43
18	Ditto ...	New Zealand Telegram	(Rec. Feb. 13)	States, with reference to Nos. 13 and 14, that New Zealand Government prefers that Order in Council to effect already suggested by Imperial Government be issued with least possible delay, and concurs that Samoa need not be included in the Imperial Indemnity Bill.	43
19	Ditto ...	Union of South Africa Telegram	(Rec. Feb. 17)	States that General Smuts would like to go more carefully into the question of validating past acts before giving an answer.	43
20	Ditto ...	Union of South Africa Telegram	February 21 (Rec. Feb. 21.)	States, with reference to No. 16, that Ministers are advised that on acceptance of Mandate Governor-General will have authority under South-West Africa Act No. 49, 1919, and Peace Treaty to issue proclamation validating past acts.	44
21	Ditto ...	New Zealand Telegram	March 6 (Rec. Mar. 6)	States that, for reasons given in No. 13, Prime Minister urges immediate issue of Order in Council conferring on New Zealand jurisdiction to govern Samoan Islands.	44
22	To the Governor-General	New Zealand Telegram	March 9	Communicates terms of draft Western Samoa Order in Council which is being submitted to His Majesty in Council on 11th March.	44

X

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1920.		
23	The Governor-General	New Zealand Telegram	March 11 (Rec. Mar. 11)	Requests, in reply to No. 22, that action respecting proposed Order in Council may be deferred pending the receipt of a further telegram.	45
24	Ditto ...	New Zealand Telegram	March 11 (Rec. Mar. 11)	States, with reference to No. 22, that his Ministers advise that draft Order in Council is insufficient. They desire insertion therein of clause quoted in order to confer legislative power on executive Government of New Zealand pending parliamentary action.	45
25	To the Governor-General	New Zealand Telegram	March 11	States that clause proposed in No. 24 will be added to Order in Council.	46
26	To the Governors-General	New Zealand 56, Commonwealth of Australia 114, Union of South Africa 135	March 23	Transmits copies of the Western Samoa Order in Council, 1920.	46
27	The Governor-General	Union of South Africa 427	June 30 (Rec. July 23)	Quotes resolution adopted by the House of Assembly, and which has been concurred in by the Senate, that the operation of the provisions of the Treaty of Peace and South-West Africa Mandate Act, 1919, be extended until 1st July, 1921, and that a Parliamentary Commission shall be appointed to enquire into the question of the future government of the Protectorate.	46
28	...	Commonwealth of Australia	September 30	The New Guinea Act, 1920.	47
29	The Governor-General	New Zealand Telegram	October 9 (Rec. Oct. 9)	Requests amendment of Samoan Order in Council by substituting the 15th for the 14th degree of south latitude.	49
30	To the Governor-General	New Zealand Telegram	October 14	States, in reply to No. 29, that amending Order in Council will be passed at first convenient opportunity.	50
31	To the Governors-General	Commonwealth of Australia 499, Union of South Africa 474	November 25	Transmits copy of Nos. 29 and 30 and of the Western Samoa (Amendment) Order in Council, 1920.	50
32	To the Governor-General	New Zealand 250	November 25	Transmits copies of the Western Samoa (Amendment) Order in Council, 1920.	50

MANDATES.

Correspondence with the Self-Governing Dominions, 1919 and 1920.

PART I.

Position of Mandatory Powers.

41843

No. 1.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 11 P.M., July 18, 1919.)

TELEGRAM.

[Answered by Nos. 3, 5, and 17.]

Commonwealth of Australia.
Union of South Africa.
New Zealand.

Confidential. Special Commission on Mandates appointed by Council of principal Allied and Associated Governments, 26th June, with myself as chairman, has agreed upon following form of Mandate for such territories as may be governed in accordance with para. 6 of Article 22 Covenant of League of Nations, *i.e.*, South West Africa and former German Pacific Colonies. *Begins:—*

PREAMBLE.

Germany having by Article 119 of the Peace Treaty signed at Versailles on the 28th June, 1919, renounced all her rights to X, the Principal Allied and Associated Powers confer upon Y a mandate to govern X. Y accepts the mandate thus conferred upon it and will execute the same on behalf of the League of Nations and in accordance with the following provisions

[Note.—X equals mandated territory, Y equals Mandatory Power.]

ARTICLE I.

Y shall have full power of administration and legislation over X as an integral portion of Y, and may apply the laws of Y to X, subject to such local modifications as circumstances may require. Y undertakes by all means in its power to promote the material and moral well-being and the social progress of the inhabitants of X.

ARTICLE II.

Y, hereinafter referred to as the Mandatory Power, undertakes that the slave-trade shall be prohibited and that no forced labour shall be permitted, except for essential public works and services, and then only for adequate remuneration. It further undertakes that the traffic in arms and ammunition shall be controlled in accordance with the principles contained in the Brussels Act, 1890, or any Convention amending the same. The supply of intoxicating spirits and beverages to the natives of the territory shall be prohibited.

ARTICLE III.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory

ARTICLE IV.

Subject to the provisions of any local law for the maintenance of public order and morals, the Mandatory Power guarantees in the territory freedom of conscience

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and the free exercise of all forms of worship, and undertakes to allow all missionaries the subjects or citizens of any member of the League of Nations, to enter into travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE V.

The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under Articles I, II, III, IV.

ARTICLE VI.

The consent of the Council of the League of Nations is required for any modification of the terms of this Mandate. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations. *Ends.*

Form is being submitted by members of Commission to their respective Governments and proposed to publish as soon as possible after it has been approved by them. In the meantime, please inform your Ministers that form should be treated as strictly confidential.

[*To Australia only:* I am telegraphing form of Mandate direct to your Prime Minister.]

[*To Union of South Africa only:* I have communicated form of Mandate to Smuts. Please communicate it to Hughes, Prime Minister, Commonwealth of Australia, for his confidential information, adding that I have also telegraphed it to Governor-General, Commonwealth of Australia. If he has already left, please inform him by wireless.]—MILNER.

41843

No. 2.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4 P.M., July 18, 1919.)

TELEGRAM.

Commonwealth of Australia.
Union of South Africa.
New Zealand.

(Paraphrase.)

July 18. Secret. My telegram of to-day,* confidential, form of Mandate. Insertion of Article establishing open door was pressed for by Japanese delegate on Commission, who made his agreement to the form subject to a reservation on this point. I have no intention of accepting his view, however, which was not supported by any of the other delegates.

[*To Australia:* Your Prime Minister is being informed.]

[*To Union of South Africa:* When acting on my other telegram, please inform Hughes, and add that I have telegraphed to same effect to Governor-General Commonwealth.]—MILNER.

* No. 1.

47030

No. 3.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12 NOON, August 13, 1919.)

TELEGRAM.

[*Answered by Nos. 4 and 9.*]

WITH reference to your telegram 18th July, Confidential,* my Ministers enquire whether form of Mandate may now be made public both in New Zealand and Samoan Islands.—LIVERPOOL.

47030

No. 4.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6 P.M., August 14, 1919.)

TELEGRAM.

YOUR telegram 13th August.† Form of Mandate not having been yet approved it is not yet possible to publish. Shall inform you as soon as it is approved.—MILNER.

47957

No. 5.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.45 P.M., August 15, 1919.)

TELEGRAM.

[*Answered by No. 7.*]

August 15. Confidential With reference to your confidential telegram 18th July*, relative to Mandate, my Ministers state that it is imperative that the necessary powers whereby the administration of South-West Africa will be conferred on Union Government, should be in their hands by the 5th September at latest, and ask therefore that you will expedite the passing of Mandate to enable them to lay it before Parliament as early as possible.—BUXTON.

47642

No. 6.

South Africa.

THE HIGH COMMISSIONER TO THE SECRETARY OF STATE.

(Received 4.43 A.M., August 16, 1919.)

TELEGRAM.

[*Answered by No. 8.*]

August 14. Am sending Prime Minister, Union, Memorandum with reference to Caprivi Strip. Am asking that clause should be inserted in South-West Territory Bill, which, if it be so finally decided, will enable strip to be actually part of Bechuanaland Protectorate or at least fully administered by it. This I think essential. Possibly you already settled question with Prime Minister, Union. Have not yet seen him as am still in Bechuanaland Protectorate.—BUXTON.

* No. 1.

† No. 3.

47957

No. 7.

Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 7.15 P.M., August 19, 1919.)

TELEGRAM.

[Answered by No. 10.]

(Paraphrase.)

With reference to your Confidential telegram 15th August,* I am sorry to say that I see no prospect of a Mandate being conferred by date mentioned, although I have been doing my utmost to expedite issue. However, I have considered how far it will be possible to meet your Ministers' wishes. It has been definitely decided on the one hand that Union of South Africa is to be Mandatory Power for South-West Africa. On the other hand the main lines of the Mandate have been settled by sixth paragraph of Article 22 of Covenant of League of Nations. While the actual form of Mandate which I have telegraphed to you cannot in these circumstances be published yet as a definite instrument, I see no objection to its substance being communicated to Union Parliament, emphasis being laid on provision that Union will have full power of legislation and administration over South-West Africa as an integral portion of South Africa. I trust this will meet requirements of case satisfactorily.—MILNER.

47642

No. 8.

South Africa.

THE SECRETARY OF STATE TO THE HIGH COMMISSIONER.

(Sent 5.45 P.M., August 20, 1919.)

TELEGRAM.

August 20. Your telegram, 14th August.† Caprivi Strip. Mandate for all German South-West Africa will certainly be given to Union. This was virtually decided at Paris months ago, and the matter cannot be reopened. If, as a matter of administrative convenience, you wish strip to be attached to Bechuanaland Protectorate and Union Government is willing, I can see no reason why this should not be arranged locally between you and Union Government. Union would remain the mandatory. High Commissioner being in respect of this strip its agent.—MILNER.

47957

No. 9.

Commonwealth of Australia: New Zealand.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 6 P.M., August 20, 1919.)

TELEGRAM.

[Answered by No. 14.]

(Paraphrase.)

With reference to my telegram [18th July‡] [14th August§], Form of Mandate, I am sorry to say that I see no prospect of any Mandate being conferred before Peace Treaty discussed in [Commonwealth] [New Zealand] Parliament, although I have been doing my utmost to expedite issue. Your Ministers may wish to make some statement to Parliament, however, on nature of Mandate, and I have accordingly considered question. On the one hand that [Commonwealth] [New Zealand] is to be Mandatory Power for [New Guinea] [Samoa] has been definitely decided. On the other hand, main lines of Mandate have been settled by sixth paragraph of Article 22 of Covenant of League of Nations. While the actual form

* No. 5.

† No. 6.

‡ No. 1.

§ No. 4.

of Mandate which I have telegraphed to you cannot in these circumstances be published yet as a definitive instrument, I can see no objection to substance being communicated to Parliament, emphasis being laid on provision that [Commonwealth] [New Zealand] will have full power of legislation and administration over territory as an integral part of [Australia] [Dominion]. I trust that this will meet requirements of case satisfactorily.—MILNER.

49669

No. 10.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.40 P.M., August 27, 1919.)

TELEGRAM.

[Answered by No. 11.]

August 25. With reference to your telegram 19th August,* South-West Africa Mandate, Ministers enquire whether you have any objection to form of Mandate as shown in your telegram 18th July, Confidential,† being laid on the table of the House of Assembly as a draft only and not for publication.—BUXTON.

49669

No. 11.

Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.20 P.M., August 30, 1919.)

TELEGRAM.

Your telegram 25th August.‡ Form of Mandate. No objection.—MILNER.

49669

No. 12.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.20 P.M., August 30, 1919.)

TELEGRAM.

My telegram 20th August.§ Government of Union of South Africa have proposed that form of Mandate shown my telegram 18th July† should be "laid on table of House of Assembly as a draft only and not for publication," and I have replied that I have no objection.—MILNER.

50126

No. 13.

Commonwealth of Australia.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.20 P.M., August 30, 1919.)

TELEGRAM.

[Answered by No. 16.]

August 30. Have received following telegram from your Prime Minister:—

Begins: "Mandates. Would be glad if Government would send me forthwith official telegram setting out exact terms of Mandates for Pacific Islands as agreed to by Council of Four." Ends.

* No. 7.

† No. 1.

‡ No. 10.

§ No. 9.

Please inform him that I am sorry not to be able to add anything at present to my telegram 20th August,* except that Government of Union of South Africa have proposed that form of Mandate shown my telegram 18th July† should be "laid on table of House of Assembly as a draft only and not for publication," and that I have replied that I have no objection.—MILNER.

51897

No. 14.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.14 P.M., September 6, 1919.)

TELEGRAM.

[Answered by No. 15.]

September 6. Urgent. Confidential. Your telegram 20th August,* with regard to Mandate. Following is substance of telegram received from Administrator Samoan Islands:—

Begins.—Meeting of Faipules equivalent to Native Parliament has been fixed for 10th September. Most essential I should be in position to discuss Mandate as various questions will undoubtedly arise which I could not answer definitely unless permitted to give terms of Mandate. I have already announced in Samoa that German rule is at an end, that British rule has been definitely established, and that New Zealand had been entrusted as mandatory for Samoa. Delay in publication of Mandate, however, creates impression amongst natives and Germans that matter still open to fundamental revision. Population for some years have been led to believe that development of public affairs would coincide with Great Britain taking over at the end of War. In native mind cessation of hostilities ended the War, and they cannot understand why anticipated development not commenced. Something specific is very necessary to meet adverse criticism already commenced. *Ends.*

In view of difficulties which Administrator is experiencing my Ministers consider it important that the minds of the natives should be set at rest as regards terms of Mandate, and strongly urges that permission be given to Administrator to communicate to the meeting of Faipules on 10th September, either the full text of the Mandate or a brief summary of its terms. Please telegraph immediately whether this may be done.—LIVERPOOL.

51897

No. 15.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.10 P.M., September 8, 1919.)

TELEGRAM.

URGENT. 8th September. Your telegram 6th September.‡ No objection to substance of form of Mandate being communicated to Faipules on lines indicated my telegram 20th August.*—MILNER.

* No. 9.

† No. 1.

‡ No. 14.

52632

No. 16.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.45 P.M., September 10, 1919.)

TELEGRAM.

MANDATE for Pacific Islands. Your telegram 30th August,* Prime Minister strongly urges making available precise terms of Mandate as approved by Council of Four.—FERGUSON.

53481

No. 17.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.15 P.M., September 13, 1919.)

TELEGRAM.

[Answered by No. 18.]

(Paraphrase.)

With reference to your telegram 18th July,† regarding Mandates, following message from Prime Minister:—

Begins: "I strongly urge that paragraph 6 of earlier draft dealing with ultimate incorporation of mandated territory in certain events should be reinserted, and particularly the proviso that safeguards as to the military bases, fortifications, &c., shall continue in the event of incorporation. This is of special importance because similar proviso will then be enforceable in islands north of Equator which might otherwise be fortified at future date.

I object strongly to the wording of draft of Article four which gives absolute right of entry to any person, however objectionable he may be, who calls himself a missionary. Suggest substitution of words to following effect:—

Begins: "Undertakes to allow all reasonable facilities to accredited missions as regards access of missionaries who are the subjects of or citizens of any member of League of Nations." *Ends.*

Otherwise satisfactory. Hughes.—FERGUSON.

53481

No. 15.

Commonwealth of Australia.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.30 A.M., September 20, 1919.)

TELEGRAM.

(Paraphrase.)

REFERRING to your telegram 13th September,‡ please communicate following to your Prime Minister:—As Chairman of Mandates Commission I did my best to obtain a form of Mandate which would be most favourable to Australia. No objection to the form finally adopted has been raised either by New Zealand or by South Africa, and I think that it would be unwise to reopen question now.

As regards your first point, the Commission it was quite evident were not prepared to insert provision for incorporation of Islands in Mandate, and to continue to press for it would have been useless. The fact that no provision for incorporation is included in Mandate will not in the least prohibit an appeal to the League of Nations to allow such incorporation if there is a *bona fide* demand on the

* No. 13.

† No. 1.

‡ No. 17.

[5387]

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part of natives in future, and League would be pretty certain if agreeing to it to insist that reservation as to fortifications be maintained.

As regards your second point, your proposal seems to me to be really less favourable to Australia than article adopted by Commission. Expression "all reasonable facilities" would make it possible to appeal to League whenever it was considered that reasonable facilities had been withheld. Further I do not agree that absolute right of entry is given to persons who are not *bona fide* missionaries or to whom legitimate objection can be taken. The rights conferred are conferred on missionaries as such, and further are "subject to the provisions of any local law for the maintenance of public order and morals." It seems to me most undesirable that any narrow interpretation should be placed upon this proviso: the powers which you will possess under it are very wide.—MILNER.

56654

No. 19.

Commonwealth of Australia.

THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA
TO THE PRIME MINISTER OF THE UNITED KINGDOM.

(Received September 26, 1919.)

TELEGRAM.

[Answered by No. 21.]

Secret and confidential. *Re Mandates.* I am greatly disturbed by period of delay in official confirmation of terms. In present situation in Pacific Ocean Islands, where Japan is and has been long working to oust Empire and Australian shipping from Pacific Ocean, and to secure trade for herself, I am powerless to act till the Mandate has been approved officially. Utmost expedition necessary; please do not cease to urge on.—HUGHES.

58842

No. 20.

Commonwealth of Australia.

THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA TO THE
SECRETARY OF STATE

(Received 4.42 P.M., October 13, 1919.)

TELEGRAM.

[Answered by No. 21.]

October 13. Secret. Mandates. Now that Peace has been formally ratified, surely I may expect terms of Mandate to be ratified by Allied Council without delay. Matter of greatest importance to us, as we go to an election forthwith. Early reply requested.—HUGHES.

58951

No. 21.

Commonwealth of Australia.

THE PRIME MINISTER OF THE UNITED KINGDOM TO THE PRIME
MINISTER OF THE COMMONWEALTH OF AUSTRALIA.

(Sent 7 P.M., October 15, 1919.)

TELEGRAM.

[Answered by No. 23.]

October 15. Secret. Your telegram of 26th September, your telegram 13th October,* Mandates. I quite agree that issue should be expedited in every way possible, and will continue to do my best to help. You will remember, of course,

* Nos. 19 and 20.

that Mandates have to be submitted to Council of League of Nations under Article 22 of Treaty and that Council not yet formally constituted and cannot be constituted until after the formal ratification of the Treaty of Peace. Pending approval by Council of form of Mandates and their issue, I do not think you can do more than carry on administration of territories to be mandated to Australia in accordance with the terms of the draft telegraphed to you by Milner on 18th July,* which must be regarded as provisionally authoritative. Should be grateful if you would let me know exactly what damages Australian interests are suffering through delay, as this information may help us to put pressure on other members Council League Nations to approve Mandate immediately.—LLOYD GEORGE.

63068

No. 22.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.25 A.M., November 4, 1919.)

TELEGRAM.

[Answered by No. 24.]

(Paraphrase.)

November 3. Can you inform me when the Mandate is likely to be completed for South West African Territory, so that the Union Government can proceed definitely to act as mandatories, and that ordinary civil law can supersede martial law? In South-West Africa my experience conclusively showed that to all concerned the present state of affairs is highly inconvenient, and that the sooner it is brought to an end the better for everyone. This is also the view of my Prime Minister.—BUXTON.

64480

No. 23.

Commonwealth of Australia.

THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA
TO THE PRIME MINISTER OF THE UNITED KINGDOM.

(Received November 6, 1919.)

TELEGRAM.

To Mr. Lloyd George, Prime Minister, London.

Following from Prime Minister. *Begins:* Mandates. Your telegram.† Commonwealth of Australia regards delay in formal approval of our Mandate over Pacific Ocean with apprehension. Urgent question of administration involved. There is also widespread general disappointment at long delay and doubts being expressed freely as to whether the principles and decision embodied in Treaty of Peace are ever to be given effect to. In view of the state of public opinion, and use of which the disloyal and pro-German elements are making of this, I most strongly and earnestly urge immediate settlement. *Ends.*—HUGHES.

63068

No. 24.

Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.53 P.M., November 10, 1919.)

TELEGRAM.

[Answered by No. 28.]

(Paraphrase.)

November 10. With reference to your telegram 3rd November,‡ I quite agree that issue of Mandate should be expedited in every way possible, but exactly when

* No. 1.

† No. 21.

‡ No. 22.

it will be completed it is impossible to say. You will remember that under Article 22 of Treaty, Mandates have to be submitted to Council of League of Nations, and that Council not yet formally constituted and cannot until after formal ratification Treaty of Peace be constituted. Pending Council's approval of form of Mandates and their issue, I think Government of Union of South Africa can do nothing more than carry on administration of South West Africa in accordance with terms of draft, which must be regarded as provisionally authoritative, telegraphed to you on 18th July.*—MILNER.

65570

No. 25.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.40 A.M., November 15, 1919.)

TELEGRAM.

[Answered by No. 26.]

(Paraphrase.)

REFERRING to my telegram of 10th September,† my Prime Minister sends following:—

Begins: Secret. Mandates. No answer yet received to my previous urgent telegram. Over six months have passed since the Council of Four agreed to the Mandate for Pacific Islands, and nearly six months since the Treaty of Peace containing basic terms of each class of Mandate was signed, yet Supreme Council's approval has not been given. This is most unfortunate, and causes my Government great embarrassment, and is calculated to create serious situation. The Japanese are working assiduously to secure trade of islands: they are endeavouring to acquire titles to land and minerals and oil rights, and we can do nothing failing formal appointment as mandatory. I have sent Prime Minister urgent telegram in reply to one from him setting out urgency of settlement.

Position of Government in view of financial, economic, and general conditions including Bolshevism and Sinn Fein, is sufficiently difficult in any case. We are in the midst of an election campaign; it is surely not too much to ask that this question of Mandate, which ought to have been settled long ago, should be dealt with at once, very urgent.—HUGHES. *End of Prime Minister's message.*—FERGUSON.

65570

No. 26.

Commonwealth of Australia.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 10.10 P.M., November 19, 1919.)

TELEGRAM.

(Paraphrase.)

November 19. Your telegram,‡ received 15th November. Following message for your Prime Minister:—

Begins: "Mandates. Please refer to Prime Minister's message to you 15th October,§ in which he pointed out that Council of League to which Mandates have to be submitted cannot be constituted till formal ratification. This depends on deposit, which has not been found possible yet (see concluding words of Treaty). It is not our fault that, owing to unfortunate action of American Senate, constitution of Council of League of Nations

* No. 1.

† No. 16.

‡ No. 25.

§ No. 21.

has been so long delayed and appears now altogether in jeopardy. I am sincerely sorry for the embarrassment which the delay causes you, but I can assure you that to us, too, it is intolerably embarrassing in many ways, and that, speaking for myself, I have left no stone unturned to put an end to it. It seems to me just possible that, in view of long vista of uncertainty caused by American situation, the four other Principal Allied and Associated Powers may be induced to go ahead by themselves and issue Mandates without waiting for constitution of League, leaving it to America to adhere if and when it suits her. This would not be altogether satisfactory, but would be better than present position. Any way, as a last resort I am trying it. Will let you know at once if effort meets with any success.—MILNER.

6132

No. 27.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.58 P.M., February 3, 1920.)

TELEGRAM.

[Answered by No. 29.]

(Paraphrase.)

FOLLOWING from Prime Minister:—

Begins: Secret. Mandate. It is most unfortunate that there has been such long delay in settling Mandates. I can, of course, quite understand that the opposition of Japan may be responsible, but as the principles of the Mandate, particularly those to which Japan takes exception, including open door policy, immigration, no fortification of islands, were all embodied in the Treaty and were considered most carefully, and the objections of Japan heard at great length before the Treaty was signed, points definitely settled by the Treaty cannot now be raised by Japan or any other of the signatories.

The Commonwealth Government is being most seriously embarrassed at the position created by the delay in settling the Mandates. In three weeks the new Parliament is to meet, and a complete statement on the policy and form of government of the islands will be expected. If this is not available, the Government will be subjected to strong criticism which cannot be answered unless all the facts are set out. In any case we cannot go on as we are, and simply must have finality. Every day the Japanese are ousting our traders, are intriguing with Germans for freight, trading, mining, land and other rights. In defiance of our refusal to grant a permit, the agents of Japanese ships now threaten to send a ship with cargo from Japan to Rabaul and to lift cargo for Sydney; naturally this cannot be allowed: nobody can say what will follow. The resources of New Guinea must be developed and for this we must found a civil Government, for we can do nothing until the Mandates are formally ratified. Our interests, which are those of the Empire, must be safeguarded. Soldiers are insistent on policy of settlement of returned men in islands, but nothing can be done on this or any other matter. The great bulk of the trade of these very rich islands will go to Japan unless we act without delay. She will secure trade, shipping, land, and other rights, and generally exercise such influence as will so strengthen her claim for the right of her nationals to settle in the islands as will be most difficult to answer before the League of Nations. As Australia cannot agree to this in any circumstances the policy of the Empire is obvious, the Mandate must be settled forthwith.—Ends.—FERGUSON.

11975

No. 28.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.30 P.M., March 4, 1920.)

TELEGRAM.

[Answered by No. 29.]

(Paraphrase.)

4th March. Your telegram of 10th November.* I am asked by my Prime Minister to inform you that delay in issue of Mandate for South-West Africa territory is raising some suspicion and considerable speculation here. Questions on the subject are certain to be put when Parliament meets and the Government should be in a position to reassure House. I should be glad to learn how matter now stands and when Mandate may be expected.—BUXTON.

11975

No. 29.

Commonwealth of Australia: Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 3.20 P.M., March 12, 1920.)

TELEGRAM.

(Paraphrase.)

12th March. Secret. Following for your Prime Minister:—

Mandates. His Majesty's Government greatly regret delay which has occurred. Following is the position. When matter came before Supreme Council at the end of December the Japanese representative maintained reservation made when terms of Mandate were discussed last summer by Commission under Lord Milner: see his Secret telegram of 18th July.† Necessity of inducing his Government withdraw their reservation was urged upon Japanese representative by other plenipotentiaries, who pointed out that it could not be maintained in view of terms of German Treaty. Japanese representative agreed finally to refer matter again to his Government, but all endeavours to expedite their decision have so far failed. Efforts will, of course, be continued, but we fear that it is not possible to fix any probable date for issue of Mandate. Uncertainty of position of United States of America in matter further complicates position.

Meanwhile New Zealand Government is very anxious for establishment of civil government in Samoa, where delay has been causing unrest, and presses strongly for issue of Order in Council under Foreign Jurisdiction Act. Order in Council has been therefore prepared in accordance with their wishes, and has been passed 11th March.

11975

No. 30.

Commonwealth of Australia: Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 3.30 P.M., March 12, 1920.)

TELEGRAM.

(Paraphrase.)

Secret. [Your telegram of 3rd February.‡] [12th March. Your telegram of 4th March§] is replied to by my telegram of 12th March.|| Mandates.

* No. 24.

† No. 2.

‡ No. 27.

§ No. 28.

|| No. 29.

11975

No. 31.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.25 P.M., March 17, 1920.)

TELEGRAM.

(Paraphrase.)

Secret. 17th March. Following for your Prime Minister:—Mandates. His Majesty's Government greatly regret delay, &c. [see No. 29] for issue of Mandate. Uncertainty of position of United States of America in matter further complicates position.

11975

No. 32.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 1.30 A.M., March 18, 1920.)

TELEGRAM.

[Answered by No. 34.]

Commonwealth of Australia.
Union of South Africa.
New Zealand.

March 17. My telegram [12th March*] [12th March*] [to-day†]. Matter came before Supreme Council in form of draft conventions for conferring Mandates. Following is text of draft Convention relating to [Australia only: New Guinea] [South Africa only: South-West Africa] [New Zealand only: Samoa]:—

[To all: begins:—

Convention relating to the Mandate for [the German Possessions in the Pacific Ocean situated South of the Equator other than Samoa and Nauru]. [German South-West Africa]. [German Samoa].

[To all: Whereas by Article 119 of Part IV (German Rights and Interests outside Germany) of the Treaty of Peace Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions including therein [German New Guinea and the groups of islands in the Pacific Ocean lying south of the Equator other than German Samoa and Nauru]: [German South-West Africa]: [German Samoa]:

[To all: And whereas in accordance with Article 22 of Part I (Covenant of the League of Nations) of the said Treaty the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Britannic Majesty to be exercised on His behalf by the Government of the [Commonwealth of Australia] [Union of South Africa] [Dominion of New Zealand] to administer [the territories and islands aforementioned]: [the territory aforementioned] [German Samoa] [To all: and have decided to conclude a Convention for this purpose and have appointed as their plenipotentiaries (that is to say):—

The President of the United States of America:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The President of the French Republic:

His Majesty the King of Italy:

His Majesty the Emperor of Japan:

and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, for and on behalf

* No. 29.

† No. 31.

of His [Commonwealth of Australia] [Union of South Africa] [Dominion of New Zealand]:

Who, having exchanged their full powers found in good and due form, have agreed as follows:—

ARTICLE 1.

The Principal Allied and Associated Powers confer upon His Britannic Majesty a mandate to be exercised on His behalf by His Government of the [Commonwealth of Australia] [Union of South Africa] [Dominion of New Zealand], in conformity with Article 22 of Part I (Covenant of the League of Nations) of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, to administer [the former German colony of New Guinea and the former German islands situated in the Pacific Ocean, and lying south of the equator, other than the German islands of the Samoan group and the island of Nauru] [the former German Protectorate of South-West Africa] [German Samoa].

[To all: ARTICLE 2.]

His Britannic Majesty, for and on behalf of the Government of His [Commonwealth of Australia] [Union of South Africa] [Dominion of New Zealand] [To all: (hereinafter called the Mandatory Power), accepts the mandate thus conferred upon Him, and will execute the same on behalf of the League of Nations, and in accordance with the following provisions:—

[Not to South Africa: ARTICLE 3.]

In case of any dispute arising as to [Not to New Zealand: the boundary of the said colony or as to] whether any island is or is not included in the above mandate, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

[To Australia and New Zealand: ARTICLE 4.]

[To South Africa: ARTICLE 3.]

The Mandatory Power shall have full power of administration and legislation over the territory subject to this mandate as an integral portion of the [Commonwealth of Australia] [Union of South Africa] [Dominion of New Zealand] and may apply the laws of the [Commonwealth of Australia] [Union of South Africa] [Dominion of New Zealand] to the territory, subject to such local modifications as circumstances may require. The Mandatory Power undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to this mandate.

[To Australia and New Zealand: ARTICLE 5.]

[To South Africa: ARTICLE 4.]

The Mandatory Power undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted except for essential public works and services, and then only for adequate remuneration. The Mandatory Power further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to this Convention on the 10th September, 1919, or of any Convention amending the same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

[To Australia and New Zealand: ARTICLE 6.]

[To South Africa: ARTICLE 5.]

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

[To Australia and New Zealand: ARTICLE 7.]

[To South Africa: ARTICLE 6.]

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory Power guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, the subjects or citizens of any member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

[To Australia and New Zealand: ARTICLE 8.]

[To South Africa: ARTICLE 7.]

The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles [To Australia and New Zealand: 4, 5, 6 and 7] [To South Africa: 3, 4, 5 and 6].

[To Australia and New Zealand: ARTICLE 9.]

[To South Africa: ARTICLE 8.]

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations.

Done at the day of .

a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations the day of

Secretary-General.

11975

No. 33.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by No. 37.]

Canada, Confidential 2.
Commonwealth of Australia. } Confidential.
New Zealand.
Union of South Africa, Confidential 2.

[My Lord] [Sir,]

Downing Street, March 23, 1920.

[To all except Canada: With reference to my telegram of 17th March*] I have the honour to transmit to your Excellency, for the information of your Ministers, copies of draft Conventions† for conferring the Mandates in respect of South-West Africa, New Guinea, Samoa and Nauru, which were submitted to the Supreme Council in December last but with which it has not been possible to make any progress owing to the objection of the Japanese Government to the omission of provisions establishing equal opportunities for trade and commerce for the Nationals of all Members of the League of Nations.

I have, &c.
(For the Secretary of State).
L. S. AMERY.

* No. 32.

† See No. 32.

[5387]

D

17173.

No. 34.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11 P.M., April 2, 1920.)

TELEGRAM.

[Answered by No. 35.]

April 1. Your telegram 17th March* leaves some doubt whether draft Mandate was actually agreed to by Supreme Council in form telegraphed or whether no conclusion was reached. Please state result consideration given it by Supreme Council. Questions are likely to be asked in Parliament. — BUXTON.

17173.

No. 35.

Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.25 P.M., April 6, 1920.)

TELEGRAM.

(Paraphrase.)

April 6. Referring to your telegram 1st April,† Supreme Council at meeting of 24th December adopted draft Conventions relating to Mandates for German East Africa subject to examination by drafting Committee, but owing to attitude taken up by Japanese representative as described in my Secret telegram, 12th March,‡ did not adopt draft Conventions relating to Mandates for Pacific and South-West Africa. It has not been possible to make any progress with draft Conventions relating to Mandates for Pacific and South-West Africa as Japanese reservation not yet withdrawn.—MILNER.

18051.

No. 36.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

Canada.
Commonwealth of Australia.
New Zealand
Union of South Africa.

} Confidential.

MY LORD,
SIR,

Downing Street, April 17, 1920.

In continuation of my [Confidential despatch No. 2] [Confidential despatch] [Confidential despatch] [Confidential despatch No. 2] of the 23rd March,§ enclosing copies of the draft Conventions relating to the Mandates for South-West Africa and the Pacific, I have the honour to transmit to your Excellency, for the information of your Ministers, copies of notes addressed to the French and Japanese Ambassadors in London on the 8th instant regarding a suggested amendment to Article 4 of the draft Conventions.

A copy of the suggested amendment is enclosed.

I also enclose a copy of a note which the Secretary of State for Foreign Affairs addressed to the Japanese Ambassador at Paris on the 22nd January.

I have, &c.
MILNER.

* No. 32

† No. 34.

‡ No. 29.

§ No. 33.

Enclosure 1 in No. 36.

Foreign Office, April 8, 1920.

YOUR EXCELLENCY,

WITH reference to the communication which Comte d'Ormesson was good enough to make on behalf of your Excellency on the 17th March last, containing an amendment to Article 4 of the draft "C" Mandates to be conferred under Article 22 of the Treaty of Versailles, I have the honour to point out to your Excellency that it would be difficult to reconcile the terms of this amendment with the provision of paragraph 6 of Article 22 of the Treaty of Versailles. The relevant passage in this paragraph reads "there are territories such as South-West Africa and certain South Pacific islands which can be best administered under the laws of the mandatory as integral portions of its territory." This means that the Commonwealth of Australia and the Dominion of New Zealand shall under their Mandate be free to assimilate the mandated islands in every way to their other territories in respect to legislation and administration.

2. It is incompatible with this condition of things that in the islands placed under the Mandate the legislative and administrative powers of the Government should be materially restricted by a stipulation that foreign subjects should enjoy absolute equality in every respect whatsoever with the subjects of the governing State.

3. In these circumstances I feel that your Excellency's Government will not wish to insist on this amendment, more especially as the representative of the French Government at the meeting of the Supreme Council on the 24th December, 1919, definitely approved the original drafts of the "C" Mandates submitted to the Supreme Council on that date.

4. Your Excellency is aware that the Japanese Government themselves have ratified the Treaty of Versailles, and I cannot believe that they will persist in their objection to the draft Mandates which do no more than give precise effects to the very terms of Article 22 of the treaty. Such an objection would amount to a repudiation of their treaty obligation.

5. I venture to hope that it will be possible to arrive at a final settlement of the terms of the Mandates to be granted under the Treaty of Versailles at a very early date, and I should be glad to receive as soon as possible a reply to my note of the 13th February in regard to the settlement of the Togoland and the Cameroons question.

I have, &c.,
(For the Secretary of State),
ERIC PHIPPS.

His Excellency M. Paul Cambon,
&c., &c., &c.

Enclosure 2 in No. 36.

Foreign Office, April 8, 1920.

YOUR EXCELLENCY,

WITH reference to Mr. Yoshida's communication made on behalf of your Excellency on the 25th March in regard to the proposed amendment to Article 4 of the draft "C" Mandates contained in the French Ambassador's note of recent date, I have the honour to inform your Excellency that His Majesty's Government cannot consent to a reopening of the question of the terms of these Mandates, which do no more than give effect to the precise terms of Article 22 of the Treaty of Versailles, by which treaty your Excellency's Government are explicitly bound.

2. The continued delay in settling this question is causing most serious embarrassment, and I therefore venture to hope that your Excellency's Government will see their way to signify their definite acceptance of the terms of the Mandates at the earliest possible moment.

I have, &c.,
(For Earl Curzon of Kedleston),
ERIC PHIPPS.

His Excellency Viscount Suteui Chinda,
&c., &c., &c.

Enclosure 3 in No. 36.

Communicated by the French Embassy.

(15861)

MANDAT C.

Nouveau Projet de Rédaction de l'Article 4.

La Puissance mandataire aura les pleins pouvoirs d'administration et de législation sur le territoire qui fait l'objet du présent mandat et qui sera considéré comme partie intégrante du "Commonwealth d'Australie, Dominion de Nouvelle-Zélande." Elle pourra y appliquer les lois du "Commonwealth d'Australie" avec telles modifications que nécessiteraient les circonstances, étant entendu que la Puissance mandataire devra assurer sur ledit territoire aux sujets et citoyens, y compris les sociétés et associations, des autres Puissances signataires les mêmes droits à tous égards qu'à ses nationaux.

La Puissance mandataire s'engage à développer le plus possible le bien-être matériel et moral des habitants du territoire, objet du présent mandat, et à en favoriser le progrès social.

(73243)

Enclosure 4 in No. 36.

Hôtel Ritz, Paris, January 22, 1920.

Now that the Supreme Council has suspended its sittings, and is about to be replaced by the Conference of Ambassadors, I am very anxious that progress should be made with the settlement of the terms of the Mandates under which the former German Colonies are to be administered. Your Excellency will remember that when this question was discussed on the 24th December, it was found impossible to adopt at once the drafts prepared for the Pacific Islands and South-West Africa, because of the reservations which the Japanese Government made in respect of the absence from those drafts of a clause providing for commercial equality, and the discussion was suspended in order that your Excellency might obtain further instructions on this point. I should be very grateful if your Excellency could let me know whether these instructions have yet arrived. Your Excellency is aware that, in the view of His Majesty's Government—and I think this view was shared by the other members of the Supreme Council when the discussion above referred to took place—this question was settled at the time when the provisions of the Covenant were agreed upon, and this settlement is embodied in Article 22 of the Covenant, which has been formally accepted by the Japanese Government. It seems to me, therefore, impossible to reopen the question at this stage, and I very much hope that your Government will take the same view, so that these Mandates may be proceeded with and signed at an early date.

I am leaving Paris this evening, and should, therefore, be very grateful if your Excellency could find it possible to let me know in the course of the day what the situation is.

CURZON.

His Excellency Mr. Matsui,
Imperial Japanese Embassy,
7, Avenue Hoche, Paris.

25734

No. 37.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11:55 P.M., May 24, 1920.)

TELEGRAM.

[Answered by No. 38.]

(Paraphrase.)

YOUR Confidential despatch of 23rd March* : Mandates. Prime Minister advises as follows : *Begins* : The greatest concern is felt by the Commonwealth Government at the delay, owing to opposition of Japan, in the issue of Mandates.

* No. 33.

Proposed omission of provisions establishing equal opportunities for the nationals of all members of the League of Nations for trade and commerce, was debated fully in Paris, and the decision adverse to the wishes of the Japanese Government was reached only after full consideration had been given to their views. This decision is embodied in the Covenant of the League of Nations, all of which has already been signed by Japan equally with Great Britain and the other European Allies. In these circumstances the Commonwealth Government is unable to understand what justification Japan can now have for taking objection to a Mandate in the form to which she has already agreed. Government feels that it must respectfully urge that diplomatic pressure should be brought to bear on the Japanese Government by the British Government to join in the immediate issue of the Mandate. The long delay has proved most embarrassing to Commonwealth, and has created an intolerable position and one which cannot continue. Commonwealth Government desires to point out that, if the deliberate and solemn decisions of the Peace Conference and the Supreme Council can by the refusal of one of the parties to the Treaty and to the decisions of the Supreme Council be ignored and rendered nugatory, the great principle upon which the Treaty and the League of Nations rests will be destroyed. Japan had the fullest opportunity to present her case to the Conference. This she did, and the nations decided against her. She cannot, merely because she is a powerful nation having at her disposal great military resources, be allowed to flout the solemn decisions of the Conference. *Ends.*—MUNRO FERGUSON.

25734

No. 38.

Commonwealth of Australia.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.25 P.M., May 26, 1920.)

TELEGRAM.

(Paraphrase.)

REFERRING to your telegram 24th May,* Mandates. Everything possible is being done by His Majesty's Government to obtain a settlement.—MILNER.

32096

No. 39.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 7.15 P.M., June 30, 1920.)

TELEGRAM.

[Answered by Nos. 40, 41 and 42.]

Canada.
Commonwealth of Australia.
New Zealand.
Union of South Africa.

June 30th. It is hoped to get mandates for all former German Colonies settled at Brussels with a view to signature at Spa. In order to avoid necessity for ratification draft Conventions prepared for this purpose, see my Confidential despatch 23rd March,† have been turned into Declarations containing following provision, *Begins* : The present Declaration shall be submitted to the Council of League of Nations for confirmation. It will come into force on such confirmation.—*Ends.*

Also provided, *Begins* : On ratifying the Treaty of Versailles United States will have full power to adhere to present Declaration.—*Ends.*

* No. 37.

† No. 33.

Proposed that all Declarations, including those relating to Central Africa, should be signed on behalf of all Dominions. Should be glad if your Government would nominate representative to sign on their behalf.

Copies of draft Declarations follow by mail.

Confidential. Japan is still maintaining objection previously urged, but every effort will be made to secure agreement.—MILNER.

32461

No. 40.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.56 p.m., July 2, 1920.)

TELEGRAM.

July 2. Your telegram 30th June,* declaration respecting former German colonies. Ministers nominate Blankenberg, Acting High Commissioner, to sign on behalf of Government of Union of South Africa.—BUXTON.

32744

No. 41.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.55 a.m., July 4, 1920.)

TELEGRAM.

July 4. Your telegram 30th June,* Mandates for all German colonies. My Government nominate Sir James Allen, High Commissioner for New Zealand, to sign on behalf of New Zealand.—LIVERPOOL.

33031

No. 42.

Canada.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.30 p.m., July 5, 1920.)

TELEGRAM.

July 5. Your telegram 30th June,* Hon. Sir George Perley, K.C.M.G., High Commissioner for Canada in London, has been designated as representative of Government of Canada to sign declarations respecting former German colonial possessions on behalf of Dominion of Canada. Recommendation to this effect is now before Governor-General in Council.—DEVONSHIRE.

32096

No. 43.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

Canada.	} Dominions, Treaty, No. 14, Confidential.
Commonwealth of Australia.	
New Zealand.	
Union of South Africa.	

[My Lord Duke] [My Lord] [Sir],

Downing Street, July 6, 1920.

With reference to my telegram of the 30th June,* I have the honour to transmit to your Excellency for the information of your Ministers, copies of the draft Declarations relating to the Mandates for the former German Colonies.

I have, &c.
MILNER.

* No. 39.

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No. 44.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

Canada.	} Dominions, Treaty, No. 15, Confidential.
Commonwealth of Australia.	
New Zealand.	
Union of South Africa.	

[My Lord Duke] [My Lord] [Sir],

Downing Street, July 13, 1920.

With reference to my Confidential despatch of the 17th April,* I have the honour to transmit to your Excellency, for the information of your Ministers, printed copies of a despatch addressed by the Secretary of State for Foreign Affairs to His Majesty's Ambassador at Tokyo relative to the attitude of the Japanese Government in regard to the terms of the Mandates for South-West Africa and the former German possessions in the Pacific.

2. The formula referred to at the end of Lord Curzon's despatch is set out on the second page of the print.

I have, &c.
MILNER.

Enclosure in No. 44.

Earl Curzon to Sir C. Eliot (Tokyo).

(No. 238.)

Sir,

Foreign Office, June 18, 1920.

The Japanese Ambassador asked to see me this afternoon in order to give me the reply of his Government to the latest letter from the Foreign Office in the controversy with regard to the "C" Mandates, which, it is understood, is to be brought up at the Spa Conference.

His Government could not, he said, possibly acquiesce in our refusal to consider the proposal that they had made some weeks ago. They did not accept our interpretation of clause 6 of article 22 of the Treaty, by which we argued that they were bound. If the matter were brought up at Spa, they must adhere to their own interpretation, with which they believed that the French Government were in sympathy. In that case, an absolute deadlock would be arrived at, and this was a situation which Viscount Chinda thought would be very inconvenient for all parties.

In these circumstances, as we had rejected the claim of the Japanese Government that Japanese rights should be treated on a national basis, he now put forward another suggestion, namely, that in the mandated areas they should be treated on the most-favoured-nation basis, and should not be subject to any treatment discriminating between Japanese subjects, companies and associations, and the corresponding individuals or bodies of other countries. He hoped that, as the first suggestion of his Government had been rejected, we might be willing, instead of absolutely refusing to consider the matter, to allow at any rate a discussion on this new basis.

The Ambassador handed me a brief formula, which I undertook to send to the Department, and I told him that, if he desired, I should be only too willing to arrange that he should discuss the matter with Sir Eyre Crowe.

A copy of the Ambassador's note is enclosed herein.

I am, &c.
CURZON OF KEDLESTON.

Viscount Chinda to Earl Curzon.—(Communicated June 18.)

My Lord,

Japanese Embassy, London, June 18, 1920.

REFERRING to your Lordship's note of the 8th April last with regard to the "C" mandate, I have the honour to state that, being as much sensible as the British Government of the desirability of bringing the matter in question to a speedy settlement, the Imperial Government have not failed to avail themselves of all possible measures to the end that a just solution satisfactory to all concerned may be arrived at.

* No. 36.

In this connection, I deem it my duty to say that there is no question about my Government being explicitly bound as others by the terms of the Treaty of Versailles. It is to be pointed out that my Government have never accepted such an interpretation as is given by your Government to clause 6 of article 22 of the said Treaty, which, in the views of my Government, provides that the administration of the territories in question must be subject to the safeguards mentioned in clause 5 of the said article, and they contend that a clause stipulating equal opportunities for the trade and commerce of the members of the League should accordingly be inserted in the articles of the "C" mandate.

I have, &c.
S. CHINDA.

Note.

In the territories for which the "C" Mandate is to be given to Great Britain or the British dominions, the vested rights or interests of the Japanese subjects, as well as Japanese companies and associations, shall be respected, and there shall be no treatment discriminating Japanese subjects, as well as Japanese companies and associations, with regard to commerce and navigation, from the subjects or nationals, as well as companies and associations, of the country other than the Mandatory Power.

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No. 45

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

Canada.	} Dominions, Treaty, No. 18.
Commonwealth of Australia.	
New Zealand.	
Union of South Africa.	

Confidential.

[My Lord Duke] [My Lord] [Sir],

Downing Street, July 28, 1920.

IN continuation of my Confidential despatch Dominions Treaty, No. 15, of the 13th instant,* I have the honour to transmit to your Excellency, for the information of your Ministers, copies of a further despatch which the Secretary of State for Foreign Affairs has addressed to His Majesty's Ambassador at Tokyo recording a conversation which he had at Spa with the Japanese Ambassador regarding the objection of the Japanese Government to the form of Mandate drawn up for the former Pacific possessions of Germany and South West Africa.

I have, &c.
MILNER.

Enclosure in No. 45.

Earl Curzon to Sir C. Eliot (Tokyo).

(No. 266.)

Sir,

Grand Hôtel Britannique, Spa, July 7, 1920.

THE Japanese Ambassador came to see me once again yesterday afternoon on the subject of the objection entertained by his Government to that article of the Covenant of the League of Nations which provides for the creation of mandate "C," an objection arising out of the different interpretation placed by the Japanese Government upon the terms of article 22 from that which was insisted upon by His Majesty's Government. Viscount Chinda told me that his Government had formed a very confident anticipation of my willingness to meet their point of view owing to the fact that M. Cambon, after transmitting to me one of the Japanese proposals at the English Foreign Office in February last, had informed him that I regarded it as "équitable." This, I said, must have been the result of an entire misapprehension, since, after M. Cambon had handed to me the paper, neither then nor for some time afterwards (the paper having gone into the Department) had I been in a position to express any opinion on the matter at all.

* No. 44.

As a matter of fact, as soon as I had studied the proposal, I had realised that it was quite unacceptable, nor could I now hold out to his Excellency the least hope that a solution of this question would be found in any of the directions which his Government had hitherto proposed. Whether these took the form of proposing that Japanese subjects in the territories mandated under form "C" should receive national treatment or most-favoured-nation treatment, either suggestion was, in my judgment, quite inconsistent with any legitimate interpretation of the terms of the Covenant, and would not have the slightest chance of acceptance at the hands of the Dominion Governments. Nor was I willing to submit to them a suggestion that would be regarded by them as a breach of faith on our part, and would be doomed to immediate and angry refusal. The utmost that I could offer in the direction of meeting the Japanese view was an engagement on our part that, if in any of the mandated territories Japanese subjects were in possession before the War of property or concessions, these should be recognised, and they should not be deprived of their vested rights without reasonable compensation. This I knew well did not cover the full ground of the Japanese objections, but I regretted that I could not go beyond it. I said that I should be glad to see the dispute settled on this basis. If, however, my offer were refused there remained, as far as I could see, only the following alternatives: (1) I was quite willing to bring the matter during the present week before the Supreme Council and to take the judgment of the Great Powers upon it. Upon this suggestion, however, Viscount Chinda remarked that his instructions would not allow him to accept such a decision if it were unfavourable to his Government. (2) The second alternative was to refer the dispute to the Council of the League of Nations, a procedure which would involve time and delay, and would equally require, if there was to be any fruitful issue, a unanimous decision. (3) It was of course possible to take refuge in inaction and merely to leave the Dominions to continue the informal administration of these territories (as also the Japanese in the islands north of the Equator), but this was probably a solution acceptable to neither party, since an administration without the sanction of international law was devoid of real authority, was attended with many inconveniences, and could not continue indefinitely. (4) There remained the fourth alternative, upon which I should be obliged to fall back in the event of the Japanese Government being unable to accept the suggestion which I had made, viz., to refer the dispute to arbitration under article 12 of the Covenant of the League of Nations. I should do this with the utmost confidence, being sure that the interpretation which had been placed by the British Government on article 22, in relation to the circumstances in which it had been drawn up at Paris, would commend itself to any impartial tribunal.

I could not help hoping, however, even at the eleventh hour, that Japan would not persist in her objection, which, however intelligible from her own point of view, was really incapable of being sustained; and that the Ambassador, after consulting his Government on my suggestion, which I would place before him in writing without delay, would be in a position to inform me that, so far as they were concerned, the matter was closed.

This afternoon I handed to Viscount Chinda the accompanying formula, which I suggested might be added after the first paragraph of article 4 of the Draft Mandate: explaining carefully to him that of course my proposal was subject to the assent of the Australian Government, which I was not in a position to guarantee, but which, supposing the formula to be accepted by the Japanese, I would do my best to secure. He promised me an early reply from Tokyo.

Draft formula: "Nevertheless persons, including companies and associations, who are nationals of States which are original members of the League of Nations, and who before August 1, 1914, were resident or held property in the territory subject to the mandate, but who are not qualified under the laws of the Commonwealth to enter into or establish themselves in or hold property in Australia, shall not, without just compensation, be obliged to leave the territory or be deprived of their property or prevented from carrying on business therein."

I am, &c.
CURZON OF KEDLESTON.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL

[Answered by No. 47.]

Canada.
Commonwealth of Australia.
New Zealand.
Union of South Africa.

} Secret.

[My Lord Duke] [My Lord] [Sir],

Downing Street, August 21, 1920.

With reference to my Confidential despatch (Dominions Treaty, No. 18) of the 28th July,* I have the honour to transmit to your Excellency, to be laid before your Ministers, four documents on the subject of the Japanese attitude with regard to the Mandates for the former German colonies, which, in the absence of the Secretary of State for Foreign Affairs, were communicated on the 4th instant by the Japanese Ambassador to Sir Cecil Hurst.

2. It will be observed that Enclosure 1 contains the Japanese Government's answer to the proposal made by Lord Curzon to the Japanese Ambassador at Spa as set out in the despatch to His Majesty's Ambassador at Tokio enclosed in my despatch under reference, and explains the difficulties encountered by the Japanese Government in the matter. Enclosure 2 instructs the Japanese Ambassador to attempt to arrive at a settlement on the lines indicated therein.

3. The proposal now made is that the Japanese Government will sign the "C" Mandates provided that an understanding can be reached as to the treatment of Japanese subjects in New Guinea. The Japanese Government desire something more than was offered in the Spa proposal. They desire an understanding guaranteeing for Japanese subjects the treatment which they enjoyed under the German régime. In particular they ask that the recognition of vested rights and interests of Japanese subjects should include the recognition of the right of Japanese vessels to have access to the port of Rabaul for loading and unloading, and the right of Japanese subjects to acquire, own and operate copra plantations in New Guinea, and further, as to the right of residence and exercising occupations, that it should not be confined to the actual residence and exercise of occupations on the 1st August, 1914. They are prepared, however, to conclude an agreement for the purpose of preventing Japanese emigration to New Guinea.

4. From Sir Cecil Hurst's conversation with the Japanese Ambassador it emerged that the latter understood the Japanese proposals to mean that Japan would be prepared to enter into an agreement with Australia for the prevention and regulation of Japanese emigration to New Guinea on the lines of the arrangement which was made as to Japanese emigration to Canada. The settlement of the difficulty as to New Guinea would lead to the withdrawal of any Japanese objections to the other "C" Mandates. It also transpired that if there was to be arbitration as to whether or not the Japanese Government was entitled to insist on the provision relating to commercial equality in a "C" Mandate, Japan would also expect arbitration on the question of the right to insert the prohibition of military and naval bases.

5. The Japanese Ambassador's views as to the right of his Government to maintain their present standpoint are contained in Enclosure 3.

6. Enclosure 4 deals with the difficulties of a particular Japanese company which desired to trade at Rabaul.

7. Copies of these documents are being forwarded to the other Dominion Governments.

[8. *To Canada only:* As regards the arrangement as to Japanese emigration to Canada, to which allusion is made in paragraph 4, I am forwarding to the Governments of the Commonwealth of Australia, New Zealand and the Union of South Africa, for their confidential information, the accompanying account (Enclosure 5) of the 1907 Agreement extracted (pages 6-8) from the Secret Memorandum on the Japanese Treaty of 1911, enclosed in His Royal Highness the Duke of Connaught's Secret despatch of the 19th March, 1913,† and I have drawn their attention to the terms in which this

* No. 45.

† No. 387 in Dominions No. 45.

arrangement is mentioned in No. 3 of the Conditions (printed on page 136 of Treaty Series No. 9 of 1913 [Cd. 6808]) on which Canada acceded to the Commercial Treaty with Japan of 1911, viz.:—

"It is understood that the Imperial Japanese Government are fully prepared to maintain, and intend to maintain, with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada."

[8. *To Commonwealth of Australia, New Zealand and Union of South Africa only:* As regards the arrangement as to Japanese emigration to Canada, to which allusion is made in paragraph 4, I enclose, for the confidential information of your Ministers, an extract (Enclosure 5) from a Secret Memorandum on the Japanese Treaty of 1911, communicated by the Canadian Government to His Majesty's Government in 1913, which gives an account of the arrangement in question. The arrangement is mentioned in No. 3 of the Conditions (printed on page 136 of Treaty Series No. 9 of 1913 [Cd. 6808]) on which Canada adhered to the Treaty of 1911 in the following terms:—

"It is understood that the Imperial Japanese Government are fully prepared to maintain, and intend to maintain, with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada."

[9. *To Australia only:* His Majesty's Government would be glad to receive the early observations of your Ministers on the proposals of the Japanese Government, and it would be convenient if their substance could be communicated by telegraph.]

I have, &c.

MILNER.

Enclosure 1 in No. 46.

Paraphrase of a Telegram received from Viscount Uchida, Minister for Foreign Affairs.

Japanese Embassy, 10, Grosvenor Square, London.

REFERRING to your telegram from Spa, the question of Mandates being a matter of great importance to Japan, it was necessary for the Japanese Government to give the British proposal the most careful consideration, including its reference to the Diplomatic Council, for deciding whether to accept the proposal or to submit the matter to arbitration. The matter was made the subject of interpellation at the Imperial Diet, as has already been telegraphed. Should a decision be given by which Japanese subjects in the territories under mandatory system would be subjected to a treatment inferior to what they enjoyed under the German régime, there is no doubt that public opinion in Japan would become highly agitated and the Government would be confronted with a very delicate situation. Moreover, there are other circumstances making it extremely difficult for the Japanese Government to give up, without adequate safeguards, their interpretation of the Covenant, which they feel convinced to be just.

You are therefore instructed to approach Lord Curzon once more, and, explaining fully the position of the Japanese Government, to use your best endeavours in appealing to his Lordship with a view to arriving at a settlement of the questions on the lines of the separate telegram.

August 2, 1920.

Enclosure 2 in No. 46.

Paraphrase of a Telegram received from Viscount Uchida, Minister for Foreign Affairs.

Japanese Embassy, 10, Grosvenor Square, London.

1. THE Japanese Government are prepared to relinquish their contention for the insertion of an amendment to the British Draft Convention on "C" Form Mandates, and to sign the Convention as proposed by the British Representative at the Supreme

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E 2

Council in Paris on the 24th December, 1919, provided that, apart from the said Convention, an understanding can be reached between the Japanese and the British Governments as to the treatment of Japanese subjects in the territories subject to the Australian Mandate.

2. The British counter-proposal made at Spa confines itself to the recognition and respect of such vested rights and interests only as were actually possessed by particular Japanese subjects prior to the 1st August, 1914, in the territories in question. In the opinion of the Japanese Government they would be entitled to make such claims under any circumstances, even if a most unfavourable interpretation be given to the terms of the Covenant. The proposal, therefore, cannot be considered as a concession on the part of the British Government, and the Japanese Government find it most difficult to accept it. They deem it essential that an understanding should be arrived at, guaranteeing for Japanese subjects the treatment which they enjoyed under the German régime.

3. Speaking in a more concrete form, it is desired that the vested rights and interests of Japanese subjects, instead of being limited to the very narrow sense, as defined in the British counter-proposal, should include at least the right of Japanese vessels to have access to the port of Rabaul for loading and unloading as well as the right of Japanese subjects to acquire, own and operate copra plantations in New Guinea. Further, as to the right of residence and of exercising occupations, it is desired that the restrictions should be made more liberal by not confining the recognition solely to the actual residence and exercise of occupations on the 1st August, 1914.

4. Whilst expressing the above desire, the Japanese Government would state unequivocally that they entertain no intention of sending emigrants to the territories in question. Should the Australian Government desire to arrive at an understanding on this point, the Japanese Government are prepared to take up the matter immediately.

August 2, 1920.

Enclosure 3 in No. 46.

In explaining our position in this question, I must first of all state that the Japanese Government mean to abide loyally by the letter and spirit of the Covenant of the League of Nations. No one regrets the present *impasse* more sincerely than Japan herself. The whole question resolves itself into a difference in the interpretation of the terms of the Covenant.

Paragraph 6 of article 22 of the Covenant provides that the territories falling thereunder should be administered "under the laws of the mandatory as integral portions of its territory subject to the safeguards above-mentioned in the interests of the indigenous population." What are these safeguards? In the preceding paragraph there are mentioned five conditions, viz.: (1) the guarantee for the freedom of conscience and religion; (2) the prohibition of abuses; (3) the prevention of the establishment of fortifications or military and naval bases; (4) the prevention of the military training of the natives; (5) the securing of equal opportunities for the trade and commerce of other members of the League. That three of the above provisions, (1), (2), and (4), safeguard the direct interests of the natives is beyond doubt. The bearings upon the native interests of the remaining two provisions, viz., (3) and (5) are not so direct and obvious. But it cannot be denied that they are intended to operate ultimately in the interests of the indigenous population by securing for them the blessings of peace and the benefit of free market.

This point would be made clearer by reference to the first clause of the article which embodies the basic principle in which all the succeeding provisions were conceived and framed. It is most unequivocally set down there that "there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant." The natural inference is that the provisions (3) and (5) should both be regarded as being equally within the purview of the passage above alluded to, i.e., "the safeguards above-mentioned in the interests of the indigenous population."

Now the Draft Convention for "C" Type Mandate contains special provision for the prevention of fortifications, &c., but nothing in respect to equal opportunities

for trade and commerce. If the former is included in the form of mandate there is no reason why the latter should be excluded from the same.

It has sometimes been contended that, if the Japanese point of view on the question were correct it must needs follow that there is no difference between "B" and "C" classes of mandates, which is evidently contrary to the original intention of the framers of the Covenant. It is to be pointed out that in the case of "C" type the mandatory is empowered to administer the territory "under its own laws as integral portions of its territory," whereas in the case of "B" type the mandatory is held responsible for the administration, which should be executed in the manner it may deem best. In the former case the powers of administration are absolute, save certain prescribed conditions. In the latter they are always open to the surveillance and interference of the Council or the Assembly of the League.

It has also been argued that no restriction should be imposed on the legislative power of the mandatory entrusted with administration on the strength of paragraph 6 of article 22 of the Covenant. However, the legislative power of the mandatory is already restricted by the conditions provided for in the said paragraph, and the question before us is whether equal opportunities for commerce and trade should also be included in those conditions. In short, the argument may be said to be a case of begging the question.

In adopting the above interpretation of the terms of the Covenant the Japanese Government have not lost sight of the fact that "C" Form Mandate was an outcome of compromise between the principles of annexation and mandatory system pure and simple, but it had never entered the mind of the Japanese Government that on that account the fundamental principle of the mandatory system and the League of Nations would be set at naught.

On the occasion when the results of the compromise were discussed and agreed upon, it was never pointed out by anyone that the guarantee for equal opportunities for trade and commerce would be excluded in the case of territories falling under clause 6. Had this point been raised or had there been any reason for doubts as to the interpretation of these terms, the Japanese Delegation would have had to withhold their assent to the language as drafted.

That the Japanese Government had always held the views as above indicated would also be manifest from the attitude taken by the Japanese Representative at the first meeting of the Commission on Mandates, which was held at the French Ministry of Colonies prior to the signing of the Peace Treaty at Versailles.

Enclosure 4 in No. 46.

Substance of a Telegram from the Foreign Minister of Japan relating to the Treatment of Japanese Subjects in New Guinea under the Control of Australia.

Japanese Embassy, London.

A JAPANESE company, the Nanyo-Sangyo Kabushiki Kwaisha (the South Pacific Industrial Company, Limited), which succeeded to all the rights of Mr. Isokichi Komine, a Japanese resident in the former German New Guinea, despatched a sailing-vessel to the port of Rabaul, New Guinea, to take copra on board which was produced in their cocoa plantation as well as that bought from other inhabitants of the island. The ship having been prevented by the order of the authorities from loading copra, the Japanese Government approached the Government of Australia in October 1918, with the request to permit Japanese ships to load the goods in Rabaul.

The Australian Government, however, seemed to maintain that the trade with Rabaul should be carried on through Sydney, and that the direct exportation from Rabaul should not be granted to alien vessels. After a single case where the export of 400 tons of copra was permitted, it was declared that exportation from New Guinea to Japan would not be allowed during the war. Thereupon, the South Pacific Industrial Company worked out a scheme to import through Sydney copra and other products from the island by the Osaka Maritime Steamship Company's liners, which were refused to touch at Rabaul. But this scheme proved to be unsuccessful because the Australian Government ordered to restrict the loading and unloading of goods in Rabaul to British vessels. In reply to the request made by Japan in June 1919, to rescind the above restriction, the Australian Government stated that the arrangements in force should not be altered until they received a formal notification as regards the

final disposition of the occupied islands. They only allowed Japanese vessels to discharge cargo in Rabaul, whilst prohibiting them to take in goods at that port.

In these circumstances, Japanese vessels have been compelled to give up their scheme of calling at Rabaul until satisfactory understanding could be arrived at. When, in course of negotiations with the Government of Australia, the Japanese Government pointed to the freedom of commerce accorded to Australian vessels in the Marshall Islands under the Japanese control, the interpretation of the Australian Government was that the freedom of commerce was a continuation of established right vested on the strength of the Anglo-German Agreement, which was abolished on account of the outbreak of war.

Enclosure 5 in No. 46.

Extract from Secret Canadian Government Memorandum on Japanese Treaty of 1911.

(Secret.)

18. A FULLER and confidential statement of the agreement is to be found in the secret report of M. Lemieux of the 12th January, 1908, from which the following is extracted:—

The Proposed Arrangement.

I will now lay before your Excellency the full text of the documents which, as a result of the negotiations, were agreed between both sides to form the basis of the proposed arrangements, whereby the immigration of Japanese to Canada would be so effectually restricted as to stop any further agitation in British Columbia.

I. My letter to his Excellency Count Hayashi, requesting him to give me an official assurance as to the intentions of the Japanese Government for the future would read as follows:—

"M. le Ministre,

"British Embassy, Tokio, December 23, 1907.

"After the several interviews which have taken place at the Foreign Office since my arrival here, on the subject of Japanese immigration to Canada, I have come to the conclusion that His Imperial Majesty's Government cannot accede to my request for a numerical limitation to emigration. At this stage of the negotiations it would be quite unnecessary for me to offer any further arguments as to why the request of the Canadian Government should be complied with, but it has appeared to me, in the course of these friendly interviews, that the Japanese Government has evinced a sincere desire to see any further agitation in British Columbia effectually stopped. In order to further this object, I understand they are willing to restrict voluntarily, within reasonable limits, the volume of immigration. I have the honour, therefore, to request that before returning to Canada and reporting to my Government, your Excellency would be so good as to give me an official assurance as to the intentions of His Imperial Majesty's Government in the matter. The Canadian Government is, above all, desirous that the happy relations which have always existed between the two countries shall remain unimpaired, and I feel confident that His Imperial Majesty's Government are anxious to find a solution of the difficulty which, as I have already explained to your Excellency, exists in the Province of British Columbia.

"I have, &c.

"RODOLPHE LEMIEUX.

"His Excellency Count Hayashi,

"Minister of Foreign Affairs, Tokio."

II. The answer of the Minister of Foreign Affairs, giving the official assurance of the Japanese Government, would be couched in the following terms:—

"M. le Ministre,

"Tokio, December 23, 1907.

"In reply to your note of even date, I have the honour to state that, although the existing treaty between Japan and Canada absolutely guarantees to Japanese subjects full liberty to enter, travel and reside in any part of the Dominion of Canada, yet it is not the intention of the Imperial Government to insist upon the complete enjoyment of the rights and privileges guaranteed by those stipulations when that would involve disregard of special conditions which may prevail in Canada from time to time.

"Acting in this spirit, and having particular regard to circumstances of recent occurrence in British Columbia, the Imperial Government have decided to take efficient means to restrict emigration to Canada. In carrying out this purpose, the Imperial Government, in pursuance of the policy above stated, will give careful consideration to local conditions prevailing in Canada, with a view to meeting the desires of the Government of the Dominion as far as is compatible with the spirit of the treaty and the dignity of the State.

"Although, as stated in the note under reply, it was not possible for me to acquiesce in all of the proposal made by you on behalf of the Canadian Government, I trust that you will find in the statement herein made proof of the earnest desire of the Imperial Government to promote by every means within their power the growth and stability of the cordial and mutually beneficial relations which exist between our countries. I venture to believe also that this desirable result will be found to have been materially advanced by the full exchange of views which has taken place between us, and it gives me special pleasure to acknowledge the obligation under which I have been placed by your frank and considerate explanations regarding the attitude and wishes of your Government.

"I avail myself, &c.

"TADASU HAYASHI.

"The Honourable M. Rodolphe Lemieux,

"Postmaster-General and Minister of Labour
"for Canada, Tokio."

The two letters would be read before Parliament.

III. The regulations (a) would be sent at once to the Governors of the several prefectures of Japan, and the regulations (b) to the consuls of Japan in Canada.

(a.) The following classes of emigrants only are those to whom the Japanese Government will grant permission to emigrate to Canada:—

1. Emigrants having previously resided in Canada and holding certificates of such residence issued by the Japanese consular authorities in the Dominion, and the wives and children of such emigrants.
2. Emigrants specially engaged by Japanese residents in Canada for *bonâ fide* personal or domestic service, upon production of written evidence of such engagement, attested by the competent Japanese consular authorities.
3. Contract emigrants, where terms of the contract, works to be done, names and standing of the intended employers are satisfactorily specified, such contracts to be accompanied by a certificate from the Japanese consul of the district where the labourers are to be employed.

In addition to the above, emigrants brought in under contract by Japanese resident agricultural holders in Canada, and specially required for the promotion of such agriculture, such contract to be accompanied by the certificate of the Japanese consular authority in the district where the labourers are to be employed.

(b.) Copy of memorandum to consular authorities.

The consular authorities to whom application is made for the issue of a certificate attesting the genuineness of contracts for the employment of Japanese labour in Canada shall not issue the certificate unless they receive satisfactory evidence that such contract has the approval of the Canadian Government.

As an exception to this rule, Japanese consular authorities in Canada may issue certificates to Japanese resident agricultural holders who require Japanese labour for the working of their agricultural lands at the rate of from five to ten labourers per 100 acres held by the applicant. It is necessary, however, that before issuing these certificates all Japanese consular authorities shall exercise great care to ascertain the *bonâ fides* of the applicant, and will take into close consideration the existing state of the labour market and of public feeling.

IV. As an evidence of good faith and guarantee of observance, the above regulations would be handed by the Minister of Foreign Affairs to the British Ambassador with a letter couched in this language:—

"With reference to the official assurance I have communicated to the Canadian Commissioner on the subject of Japanese emigration, I have the honour to transmit herewith, for your Excellency's information, a memorandum embodying the regulations which are to be issued to local and consular authorities with the object of restricting emigration.

"With reference to domestic and agricultural labourers mentioned in the regulations, the Japanese Government do not contemplate that under existing circumstances these two classes shall exceed four hundred (400) annually."

V. A letter from myself to the Minister of Foreign Affairs, promising on behalf of the Canadian Government that the regulations would be construed in a fair and reasonable spirit:—

"M. le Ministre,

"British Embassy, Tokio, December 23, 1907.

"With reference to the arrangements arrived at between us on the subject of emigration, I desire to state that the Canadian Government will construe the regulations under which the engagement of contract labour calls for their approval in each case in a fair and reasonable spirit.

"I have also much pleasure in assuring you that *bonâ fide* merchants, tourists, and students coming from Hawaii will not be affected by the operation of the Alien Labour Act. Needless to add that similar classes arriving from Japan will continue to enjoy freedom of entrance into the Dominion.

"I have, &c.

"RODOLPHE LEMIRUX.

"His Excellency Count Hayashi,
"Minister of Foreign Affairs, Tokio."

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No. 47.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.15 A.M. November 15, 1920.)

TELEGRAM.

(Paraphrase.)

REFERRING to your despatch, Secret, of 21st August,* *re* attitude of Japan towards mandates of former German colonies, Prime Minister advises as follows:—

Begins: Commonwealth Government greatly surprised at Japanese Government's request, and cannot agree to proposals outlined. Commonwealth Ministers cannot understand why British Government is still considering requests from Japan in regard to matter definitely settled long ago by Supreme Council, and embodied in Treaty, which has been duly ratified. The Japanese Government is endeavouring to amend conditions of mandate to introduce thin end of wedge of racial equality and the conditions obtaining for Class "B" Mandates in regard to trade. Both these proposals will be resolutely resisted by Commonwealth Government.

Commonwealth Government cannot agree to grant any rights to Japanese subjects inconsistent with the general policy of the Commonwealth in regard to islands. They cannot entertain the suggestion that there should be a recognition of so-called vested rights and interests, either such as were in existence prior to 1st August, 1914, or subsequently. We are starting with clean slate. Every claim to any interest or right, whether by British nationals or others, will be considered on its merits, and Commonwealth Government can make no general exemption in favour of Japan.

Although there is on the part of Commonwealth Government no intention to exclude Japanese ships from having access to port Rabaul, any more than there is any intention to exclude British, American, or French vessels, we claim the right to make such laws as we please in respect to trade, and trade includes navigation; cannot therefore give undertaking in this respect.

Further we can give no special undertaking as requested by Viscount Uchida as to the right of residents to exercise of occupations.

The fact of the matter is that attitude of Japan is one which the British Government, we respectfully submit, ought not to encourage. It is directly opposed to solemn obligations of the Treaty and the clear understanding arrived at in regard to "C" Class Mandates. The Commonwealth Government stands resolutely on the letter of the bond.

* No. 46.

We are surprised, too, at the attitude of France, which is, it is understood, desirous of obtaining the same trading rights as under "B" Class Mandates. We cannot agree to this. We are opposed also to any attempt by the Japanese or French Governments to alter the covenant to permit of the erection of fortifications or training troops for any purpose other than that set out in the covenant.

The Assembly of the League, in the opinion of the Commonwealth Government, has neither authority nor right to modify Mandates in any way, and Commonwealth Government hopes this view will be most strongly supported by Empire delegation.—*Ends.*—GOVERNOR-GENERAL.

56311

No. 48.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

Canada.

New Zealand.

Union of South Africa.

} Secret

[MY LORD DUKE], [MY LORD], [SIR],

Downing Street, November 29, 1920.

WITH reference to my secret despatch of the 21st August* on the subject of the Japanese attitude with regard to the Mandates for the former German colonies, I have the honour to transmit to [your Excellency], [your Royal Highness], for the information of your Ministers, a copy of a telegram† from the Governor-General of the Commonwealth of Australia giving the views of the Commonwealth Government on the Japanese proposals.

I have, &c.

MILNER.

* No. 46

† No. 47

[5387]

F

PART II.

Procedure necessary to enable Dominion Governments legally to exercise powers conferred upon them by Mandates.

48978

No. 1.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.45 A.M., August 23, 1919.)

[Answered by No. 2.]

TELEGRAM.

URGENT. Legal Advisers of my Government will be glad to receive definite information as to legal position of Samoan Islands. Presumed to be British protectorate, not British possession, and that legislative authority will be conferred on New Zealand Parliament. Is Order in Council to be issued under Foreign Jurisdiction Act conferring authority on New Zealand Parliament, or will authority be conferred by Imperial Act? At what date will new status of Samoan Islands commence? Please telegraph reply.—LIVERPOOL.

48978

No. 2.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.5 P.M., August 26, 1919.)

[Answered by No. 3.]

TELEGRAM.

August 26. Urgent. Your telegram of August 23rd.* Am advised that Samoan Islands will not be British possession, nor will they strictly be British protectorate. Finance Act, 1919, for purposes of Imperial Preference, distinguishes between territory which "becomes under His Majesty's protection" and territory which "is a territory in respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty's Dominions." His Majesty will, however, undoubtedly have jurisdiction within meaning of Foreign Jurisdiction Act, and it has been assumed as regards territory in respect of which Mandate will be conferred on this country that necessary authority can be given by Order in Council under that Act. There seems to be no reason why necessary authority should not be given in respect of Samoan Islands by such Order. Telegraph whether your Ministers concur in this view. If so, you will doubtless telegraph to me in due course any observations which they may desire to offer on drafting of Order. As to date when Mandate will be operative, I can at present add nothing to my telegram 20th August.†—MILNER.

* No. 1

† No. 9 in Part I.

51580

No. 3.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.25 P.M., September 4, 1919.)

TELEGRAM.

Your telegram 26th August.* My Ministers approve issue Order in Council under Foreign Jurisdiction Act, conferring jurisdiction on New Zealand Parliament over Samoa, and suggest Order to following effect: Recite surrender Samoa by Germany and that by Mandate received from League of Nations His Majesty has in right of his Dominion of New Zealand acquired full jurisdiction as mandatory of League to govern territory as if part of His Majesty's dominions, subject only to conditions of Mandate. Title, Western Samoa Order in Council. Limits of Order, Islands of Upolu and Savaii, in South Pacific, together with islands adjacent thereto situated between thirteenth and fourteenth degrees of south latitude and one hundred and seventy-first and one hundred and seventy-third degrees longitude west of Greenwich. To be known as territory of Western Samoa, and not to be included within limits of Pacific Order in Council. New Zealand Parliament empowered exercise or make provision for exercise on behalf Majesty in territory of all jurisdiction acquired by Majesty, and for this purpose to make or authorise to be made laws for peace, order, good government, as fully as if territory part of New Zealand. In exercise of authority so committed Parliament may confer on any courts either in Samoa or New Zealand jurisdiction necessary for administration of justice, and may confer legislative, executive, judicial powers in respect territory on such authority or authorities as Parliament thinks fit. Powers to be exercised in accordance with Mandate for the time being in force. Majesty may revoke or amend Order. Order to come into operation on date thereof. This form of draft order is suggested by Sir John Salmond, Solicitor-General of New Zealand.—LIVERPOOL.

53567

No. 4.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.40 A.M., September 16, 1919.)

[Answered by No. 5.]

TELEGRAM.

As New Zealand Parliamentary Session will be very short, it is essential that legislation for government of Samoan Islands should be introduced without delay. Draft Bill is now ready. Is there any objection to legislation being submitted to New Zealand Parliament in anticipation of ratification of Treaty and issue of Imperial Order in Council mentioned in your telegram 26th August?—LIVERPOOL.

53567

No. 5

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 4.45 P.M., September 18, 1919.)

[Answered by Nos. 7 and 13.]

TELEGRAM.

18th September. Urgent. Your telegram 16th September,† Samoa. It is not clear how New Zealand Parliament can legislate for government of islands in advance of proposed Order in Council, which cannot be issued until Mandate

* No. 2.

† No. 4.

formally conferred and accepted. Suggest Bill should be confined to acceptance of Mandate when formally conferred. This should not give rise to any administrative or legal inconvenience, as it would be possible to insert in proposed Order in Council any provisions that your Government may desire giving them power to make provision for interim government of islands pending legislation by New Zealand Parliament so as to cover any possible period between commencement of Order and meeting of New Zealand Parliament if not then in session. Until issue of Order in Council administration of islands could continue to be provided for by means of Proclamations issued by local administrator, which by the Imperial Indemnity Act, when passed, are to be validated and kept alive unless or until superseded by other provision by the new legislative authority.—MILNER.

54382

No. 6.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3.30 P.M. September 19, 1919.)

TELEGRAM.

September 19. I have assented to Treaty of Peace, and South West Africa Mandate Bill. It is a short provisional measure expiring on 1st July, 1920, unless extended by resolution of both Houses. It gives the Governor-General in Council wide legislative and administrative powers, but protects native reserves. Am sending text by mail. Smuts in House of Assembly gave pledge that if Mandate in any material respect went beyond or deviated from Article XXII of Treaty, the Union Government would reserve acceptance till Parliament had been consulted.—BUXTON.

NOTE: The Text of the Act is as follows:—

No. 49, 1919.

“ACT for carrying into effect, in so far as concerns the UNION OF SOUTH AFRICA, the TREATY OF PEACE between HIS MAJESTY THE KING and certain other POWERS; and for carrying into effect any MANDATE issued in pursuance of the TREATY to the UNION OF SOUTH AFRICA with reference to the territory of SOUTH-WEST AFRICA, lately under the SOVEREIGNTY of GERMANY.

Preamble.

Whereas at Versailles on the 28th day of June, 1919, a Treaty of Peace, a copy of which has been laid before Parliament, was signed on behalf of His Majesty, and it is expedient that the Governor-General should have power to do all such things as may be proper and expedient for giving effect in so far as concerns the Union to the Treaty, or to any Mandate issued in pursuance of the Treaty with reference to the territory of South-West Africa:

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

Power to give effect to Peace Treaty and South West Africa Mandate.

1. The Governor-General may make such appointments, establish such offices, issue such proclamations and regulations and do such things as appear to him to be necessary for giving effect, so far as concerns the Union, to any of the provisions of the said Treaty or to any Mandate issued in pursuance of the Treaty to the Union with reference to the territory of South-West Africa, lately under the sovereignty of Germany, and any act of the Governor-General in that behalf shall be lawful notwithstanding any provision to the contrary in any law contained.

Laws for South West Africa

2. Subject to the provisions of section four of this Act, the Governor-General may by proclamation at any time—

- (a.) Repeal, alter, amend or modify any laws in force within the said territory including such proclamations as have been or may be promulgated during the military occupation thereof;
- (b.) Make new laws applicable to the said territory;
- (c.) Delegate his authority in this behalf to such officer in the said territory as he may designate to act under his instructions.

3. Any proclamation or regulation made under this Act may provide for the imposition of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be.

Penalties.

4. (1.) It shall be lawful for the Governor-General by proclamation to apply to the said territory, with such modifications as he may deem necessary having regard to the conditions obtaining therein, the provisions of all or any of the following laws to wit: the Land Settlement Act, 1912, the Land Settlement Act Amendment Act, 1917, the Crown Land Disposal Ordinance, 1903, of the Transvaal, and the Crown Land Disposal Amendment Ordinance, 1906, of the Transvaal.

Land Settlement. Alienation of State rights or native reserves.

(2.) Save for the provisions of sub-section (1) of this section, no grant of any title, right or interest in State land or minerals within the said territory or of any right or interest in or over the territorial waters thereof shall be made, and no trading or other concessions shall be granted without the authority of Parliament.

(3.) No land within the said territory now or hereafter set apart as a reserve for natives or coloured persons shall be alienated save under the authority of Parliament, provided that nothing in this section contained shall be deemed to prohibit the Governor-General, in respect of land contained in any such reserve, to grant individual title to any person lawfully occupying and entitled to such land.

5. The provisions of this Act shall cease to have effect on the first day of July, nineteen hundred and twenty, provided, however, that by resolution of both Houses of Parliament the operation of such provisions may be extended for any period mentioned in such resolution.

Duration of Act.

6. This Act may be cited as the Treaty of Peace and South-West Africa Mandate Act, 1919.

Short title.

56348

No. 7.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.50 A.M. September 30, 1919.)

TELEGRAM.

YOUR telegram of the 18th September.* Samoa. A Bill will be immediately introduced into New Zealand for the acceptance of any Mandate which may be conferred for the government of Samoan Islands. Government of New Zealand desires the Order in Council under the Foreign Jurisdiction Act to provide that full jurisdiction over Samoan Islands may be exercised by the Governor-General in Council till the New Zealand Parliament makes other provision for that purpose.—LIVERPOOL.

60509

No. 8.

Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.40 P.M. November 8, 1919.)

Answered by Nos. 9 and 10.]

TELEGRAM.

(Paraphrase.)

PRIVATE and Personal. To a question asked in the House of Commons whether in any legislation promoted by Parliament of New Zealand affecting Samoa enactments will be subject to disallowance an answer was returned that it is not understood that legislation to be passed by Parliament of New Zealand in exercise of its authority over Samoa will be subject to disallowance. Question recently raised by New Zealand how legislative authority in respect of Samoa could be conferred on New Zealand Parliament. I replied that as His Majesty would undoubtedly have jurisdiction within meaning of Foreign Jurisdiction Act necessary authority could be conferred by Order in Council under that Act. Ministers thereupon approved

* No. 5.

issue of Order which, though not finally settled in form, will recite that by Mandate His Majesty in right of his Dominion of New Zealand has full jurisdiction as Mandatory of territory as though part of His Majesty's dominions subject only to conditions of Mandate and empower Parliament of New Zealand to exercise or make provision for exercise on His Majesty's behalf in territory of all jurisdiction acquired by His Majesty and to make or authorise to be made for this purpose laws for peace, order, and good government as fully as though territory were part of New Zealand. Order will be drawn so as not to provide for power of disallowance, which explains answer in House of Commons. I see, however, that in dealing with Mandate Bill*, Smuts seemed to hold the view that the Parliament of the Union of South Africa had power already to legislate for South-West Africa, and the Speaker gave opinion to this effect. This opinion I do not understand, especially as reference to South African precedents appears to ignore Letters Patent passed to enable the authority of the Cape to be extended.

In view of political situation no doubt General Smuts' position is difficult, but territory cannot by Peace Treaty or League of Nations be added to dominions of the Crown so as to become *ipso facto* an integral portion of any British Possession. To enable Legislature of such Possession to legislate for such territory some formal action by Crown necessary. Mere assent by Crown would not validate an enactment by such Legislature purporting to provide for government of territory not yet within its territorial jurisdiction if such enactment were *ultra vires*. I consider a separate formal instrument by the Crown (such as the Order in Council accepted by New Zealand) the necessary and proper means of enabling the Union of South Africa to carry out Mandate since a Mandate to the Union is equivalent to a Mandate to His Majesty in right of his Dominion of the Union of South Africa. If Union proceed without proper legal authority I fear that their acts may be successfully questioned later in the Courts. This, of course, is a matter for General Smuts to consider, but for this reason and also for the sake of uniformity it seems desirable that His Majesty should make use of existing machinery and pass an Order in Council as for Samoa for South-West Africa. Owing to the delicacy of General Smuts' position in the matter I have not raised this question officially, but if you think desirable please discuss with him, or, if not, advise in what form you think question should be raised.

Your Government, you will remember, had contemplated that an Act to validate proceedings in South-West Africa during military occupation should be passed by Imperial Parliament (see your despatch of 6th December, 1918, No. 906). This will be done by Imperial Indemnity Bill now under consideration which provides *inter alia* as follows:

Begins: "All laws, ordinances, proclamations, and other legislative acts made, issued, or done by the authority for the time being administering any territory in the military occupation of any of His Majesty's forces during the present War for the peace, order, or good government of such territory shall be deemed to be and always to have been valid and of full effect both during such occupation and after the determination thereof until repealed or superseded by such lawfully constituted legislative authority as may hereafter be established for that territory notwithstanding that any such legislative act may have repealed or been inconsistent with the law previously in force in such territory. *Ends.*"—MILNER.

65380

No. 9.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.6 P.M. November 13, 1919.)

TELEGRAM.

November 13. Private and Personal.

WITH reference to your telegram Private and Personal of 8th November,† until to-day my Prime Minister was away and therefore could not discuss the question with me before. I thought it well to show him unofficially your telegram. He is

* See No. 6.

† No. 8.

considering it carefully, and will give me his observations. As to the necessity of an Order in Council, he takes a somewhat different view, and asks me to express very strongly the hope that, as regards Samoa, Order in Council will not be issued until you have had opportunity of considering his views; issue would prejudice the position.—BUXTON.

66520

No. 10.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.35 A.M., November 19, 1919.)

TELEGRAM.

[Answered by No. 16.]

(Paraphrase.)

(Private and Personal.) November 15.

My telegram of November 13th.* Following from Prime Minister:—

Begins: "I wish to make following observations on private and personal message from Secretary of State which Governor-General has shown me unofficially in regard to proposed Order in Council to confer legislative jurisdiction over Samoa on New Zealand.

"That uniformity is desirable I agree, and I made every effort before I left London in July last to secure conference between Dominion representatives, Colonial Office, and Crown lawyers to settle uniform manner of dealing with Treaty of Peace and question of mandates. Sudden departure to their countries of Dominion Ministers prevented this idea being carried out, and I had to follow my own advice in dealing with mandate question in Parliament of the Union of South Africa.

"Nationalist opposition challenged me both on authority of Union to legislate for South West Africa and also on question of competence of Union to deal with Peace Treaty. On former point I explained that His Majesty was competent through Royal prerogative to extend legislative jurisdiction of Union of South Africa: that in this case His Majesty had tacitly done so as [? group omitted] of the Great Powers who conferred the mandate over South West Africa on Union of South Africa. His Majesty's act in this regard was full, free, and complete expression of his will and sufficient as such to confer all consequential or implied authority on Union.

"In his formal ruling the Speaker also held in substance that under the circumstances mandate had effect analogous to Orders in Council which had formerly extended jurisdiction in older Colonial precedents and was sufficient to confer legislative jurisdiction on Parliament of Union of South Africa.

"My own view is that King's (? one group omitted) in exercising Royal prerogative is not of matter of mere legal form under an Order in Council, but one of substance, and substantially he has declared his will court should go behind that act [*sic*].

"I go further, however, and question whether proposed Order in Council is correct procedure. Mandate over Samoa is given not to United Kingdom, but to New Zealand; that is to say, to His Majesty not in his British Government, but in his Dominion Government. King in his British Government or Privy Council is not concerned, therefore, and British Order in Council is beside the point. It would only apply where effect is to be given to mandate like German East Africa, which was conferred on His Majesty in his British Government, and it is not clear that Foreign Jurisdiction Act applies even there. Any Act purporting to confer jurisdiction over mandated territories like South West Africa or Samoa must emanate from His Majesty in his Dominion Government, on whom alone mandate was conferred, and who has, I assume, same prerogative to extend jurisdiction as King in his British Government. If any formal act is necessary the purpose of its form will have to be carefully settled, and to follow precedents taken from Constitutional phase which has passed away will not do. Old precedents do not apply to entirely new Constitutional situation which has

* No. 9.

arisen. Signature by King's Dominion Ministers of Peace Treaty recognise Dominions as equal members of League of Nations, and conferment of mandates on them by League of Nations or Great Powers mark new departure in Constitutional position in Empire.

"In regard to power of veto, this is practically admitted, but matter is very much larger than that, and I strongly deprecate isolated action on old lines in case of Samoa. Thereby constitutional controversies would be set going in various Dominions, and intervention of courts would be invited. British Empire's future demands that Dominion status which follows from above innovations should be put on regular constitutional basis, and action such as is now proposed in Order in Council might prejudice position.

"I would ask, in view of great constitutional importance of points involved, for careful consideration of whole question by War Cabinet, and in case my views are not approved I would ask that until whole matter has been gone into and settled at next Imperial Conference action on the Samoa Order in Council be deferred.

"Question will arise when mandates in their final form as given by Great Powers and approved by Council of League of Nations reach Dominions and have to be accepted in a form which will have to be carefully settled so as to be in accord with new constitutional position of Dominions. There is no special urgency, therefore, in settling issue raised by New Zealand. In the meantime Dominions could, if necessary, act in mandated territories on basis of military occupation, as heretofore, apart from mandates." *Ends.—BUXTON.*

72474

No. 11.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received December 20, 1919.)

(No. 885.)

My Lord,

Governor-General's Office, Pretoria, November 24, 1919.

I HAVE the honour to transmit to your Lordship a copy of a memorandum issued by the Prime Minister to all Departments of the Union Government relative to the administration of South-West Africa.

I have, &c.

BUXTON, *Governor-General.*

Enclosure in No. 11.

(P.M. 214/2/19.)

MEMORANDUM BY PRIME MINISTER FOR DEPARTMENTS.

Interim System of Administration in South-West Africa.

BEFORE the South-West Africa Mandate Act comes into force on the acceptance of the mandate, the basis of our administration of the territory will be one of military occupation or martial law. After the mandate has been accepted, the provisions of that Act will constitute the basis of our authority in the territory.

During the above interim period, and until Parliament has made definitive provision for the Government of South-West Africa, the following will be the general lines on which the administration of the territory will be conducted:—

1. The Administrator will be the representative of the Union Government, and will exercise a general supervision over all public services in the territory. Departments of State in the Union, in exercising their functions in the territory, will act through the Administrator to an extent which will, in practice, vary for different Departments in accordance with arrangements which may from time to time be made by the Government.

2. Officials serving in the territory will remain members of the Union Service, and their posts will be shown in the public service list and in the Union estimates by means of a schedule to the vote of the Prime Minister.

3. The posts of Administrator and of his staff, and of such officials employed in branches of territorial administration (municipalities, hospitals, education, roads, &c.) as do not in the Union fall to be dealt with by Union Departments of State, will be borne on the establishment of the Prime Minister. All other officials will be borne on the establishments of the Union Departments of State (or their sub-departments) whose functions in the territory are being carried on by such officials. The emoluments of all officials employed in the territory will be paid from the revenues of the territory.

4. The Commissioner of Police for the Union will organise a South-West Africa police for the territory from the existing constabulary in accordance with his recent report, and generally on South African police lines.

5. All revenues, from whatever source, arising within the territory will vest in the Governor-General.

6. All revenues other than those derived from the Administration of Railways and harbours raised or received by the Governor-General within the territory shall be paid into a fund styled the South-West Africa Revenue Fund. This fund will be appropriated by the Governor-General for the expenditure of the territory in accordance with approved estimates.

7. The Administrator, in consultation with the various State Departments of the Union, shall frame estimates of revenue and expenditure, and shall submit the same to the Treasury not later than the 30th November in the preceding year for the approval of the Governor-General. Such approved estimates shall be laid upon the tables of both Houses of Parliament.

8. And no payment of any nature whatsoever shall be made from this fund unless provision therefor has been made in the estimates or the Governor-General has specially approved thereof.

9. The accounts of the Protectorate shall be kept in such manner and form as shall be prescribed by regulation. The Secretary to the Administration of the Territory shall be the accounting officer, and shall exercise all the functions and incur all the responsibilities of an accounting officer in the Union.

10. The Controller and Auditor-General or his deputy shall, in regard to the audit and inspection of accounts in the Protectorate, exercise all the authority and perform all the duties exercised by him in the Union.

11. Railways and harbours administration of the territory shall continue to be conducted as heretofore by the Railways and Harbours Administration of the Union under Act 42, 1916, paragraph 5.

12. Revenue derived from the administration of the railways and harbours within the territory shall be paid into a fund styled the South West African Railways and Harbours Fund.

13. This fund will be appropriated by the Governor-General to the purposes of the railways and harbours within the territory.

14. The railways and harbours of the territory shall be conducted on the principles laid down in section 127 of the South Africa Act.

J. C. SMUTS.

*Prime Minister's Office, Pretoria,
November 8, 1919.*

281

No. 12.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received January 2, 1920.)

(No. 207.)

My Lord,

Government House, Wellington, November 14, 1919.

I HAVE the honour to transmit to your Lordship the accompanying copies of an Act passed by the Parliament of New Zealand intitled the "Treaties of Peace Act, 1919."

2. Your Lordship will observe that, *inter alia*, the Act empowers the Governor-General in Council to make the necessary provisions in New Zealand for the effective exercise of jurisdiction over Samoa.

I have, etc.

LIVERPOOL, *Governor-General.*

[5387]

G

Title. AN Act for giving Effect in New Zealand to certain Treaties of Peace made by His Majesty. [29th October, 1919.

Preamble. WHEREAS at Versailles on the twenty-eighth day of June, nineteen hundred and nineteen, a Treaty of Peace with Germany was signed on behalf of His Majesty: And whereas certain other treaties of peace have been or may be made by His Majesty with other enemy Powers allied with Germany: And whereas it is expedient that effect should be given in New Zealand to the said treaty with Germany and to all such other treaties of peace as aforesaid: And whereas by the aforesaid Treaty of Peace so made with Germany the Government of Germany has surrendered all right and title to the Islands of Western Samoa now in the possession of His Majesty's Forces: And whereas in pursuance of the said treaty the League of Nations may be pleased to confer upon His Majesty in right of his Dominion of New Zealand a mandate to govern the said Islands for and on behalf of the said League: And whereas His Majesty may be pleased to confer upon the Parliament and Executive Government of New Zealand authority to exercise on behalf of His Majesty any jurisdiction which may be acquired by him over the said Islands by virtue of such mandate: And whereas it is expedient that the Parliament of New Zealand should approve and accept such mandate, and should make provision for the execution thereof and for the exercise of all authority and jurisdiction which may be conferred by or in pursuance thereof:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

Power of Governor-General in Council to give effect to treaties of peace.

Penalties.

Effect of Orders in Council.

Approval and acceptance of a mandate for the government of Western Samoa.

Governor-General in Council may exercise any jurisdiction conferred by the mandate.

Governor-General in Council may make necessary provisions in New Zealand for the effective exercise of jurisdiction over Samoa.

Duration of Act.

1. This Act may be cited as the Treaties of Peace Act, 1919.
2. (1.) The Governor-General may, by Order in Council, make all such provisions as may appear to him to be necessary for giving full effect to any of the provisions of the said Treaty of Peace with Germany, or of any other treaty of peace which may be or may have been made by His Majesty with any enemy Power which is or has been in alliance with Germany against His Majesty.
(2.) Any such Order in Council may provide for the imposition of penalties in respect of breaches of the provisions thereof.
(3.) The provisions of any such Order in Council shall take effect as if enacted in this Act, any other Act to the contrary notwithstanding.
3. The acceptance by His Majesty in right of his Dominion of New Zealand of any mandate for the government of the said Islands of Western Samoa which His Majesty may be pleased to accept from the League of Nations in pursuance of the aforesaid Treaty of Peace with Germany is hereby approved, authorized, ratified, and confirmed.
4. The exercise by the Governor-General in Council of any jurisdiction or authority over the said Islands of Western Samoa which His Majesty may be pleased in pursuance of any such mandate to confer upon the Executive Government of New Zealand is hereby approved, authorized, ratified, and confirmed.
5. The Governor-General is hereby empowered to make, by Order in Council, such provisions as he deems necessary in New Zealand for the due and effective exercise of any jurisdiction or authority so conferred upon the Executive Government of New Zealand for the government of the said Islands of Western Samoa, and all such provisions shall have the force of law in New Zealand as if enacted in this Act, notwithstanding the provisions of any other Act to the contrary.
6. This Act shall remain in force for twelve months and no longer.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.37 A.M., January 27, 1920.)

TELEGRAM.

[Answered by No. 14.]

27th January. With reference to your telegram 18th September,* Samoa, my Government would be glad to be informed if authority to govern Samoan Islands in accordance with terms of peace may be expected in the near future. Members of the New Zealand Parliament propose to visit Samoan Islands, arriving there on 28th February, and staying seven days, and it is desired, if possible, that the change from military to civil administration should be made either before or during such visit.—LIVERPOOL.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.40 P.M., February 3, 1920.)

TELEGRAM.

[Answered by No. 18.]

(Paraphrase.)

With reference to your telegram 27th January, Samoa,† General Smuts has, in connexion with Mandate for South-West Africa, strongly urged the view that signature of Peace Treaty by the King's Dominion Ministers and conferment of Mandates by League of Nations or Great Powers on Dominions marks new departure in constitutional position in Empire. He objects to the proposed procedure by Order in Council under Foreign Jurisdiction Act, maintaining that the King is concerned not in his British Government but in his Dominion Government, and that any Act purporting to confer jurisdiction over mandated territories like South-West Africa or Samoa should emanate from His Majesty in his Dominion Government.

Accordingly, I have reconsidered the whole question in consultation with Law Officers of Crown, who have advised to following effect. No formal Act or Instrument such as the proposed Order in Council on part of His Majesty is necessary to enable the Union of South Africa or other Dominion concerned to make provision for execution of Mandate, but Parliament of Dominion concerned is competent to make such provision and derives its authority from the Treaty and Mandate. His Majesty's assent is shown sufficiently (1) by execution of Treaty to which His Majesty in his Dominion of Union of South Africa or other Dominion concerned is a party and (2) by the conferring of the Mandate.

General Smuts is anxious for uniformity in procedure as regards Mandates to three Dominions concerned, and I agree that uniformity is desirable, if possible, but should your Ministers prefer on legal grounds or on grounds of convenience, for example, in view of terms of Act 20 of 1919 already passed, or on any other grounds, to proceed by way of Order in Council already agreed to, I am prepared to obtain as quickly as possible issue of Order. I desire to point out that this question also affects the question of validating past action since beginning of military occupation in territories mandated to Dominions. If, by virtue of Peace Treaty, Parliament of Dominion concerned has full power to legislate for future government of mandated territory, it would appear to have power to validate past action in that territory. Do your Ministers concur in this view? If so, and other Dominions concerned agree, I will, with a view to leaving their Parliaments to pass necessary legislation, raise question of omitting from Imperial Indemnity Bill clauses at present contained in it validating past action in territories mandated to Dominions.

Commonwealth of Australia.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.50 P.M., February 7, 1920.)

TELEGRAM.

[Answered by No. 17.]

(Paraphrase.)

I HAVE been in communication by telegraph with New Zealand and Union of South Africa as to manner in which provision should be made for the execution of Mandates in respect of former German territories to be issued to the Dominions. New Zealand presumed that legislative authority would be conferred on New Zealand Parliament, and asked whether such authority would be conferred by Order in Council under Foreign Jurisdiction Act or by Imperial Act. His Majesty's Government replied that authority could be conferred by Order in Council under Foreign Jurisdiction Act, and New Zealand accordingly prepared draft Order. Following telegram sent by me to the Governor-General of New Zealand, 3rd February, shows present position:—

Begins:—"With reference to your telegram 27th January, Samoa, &c., &c. [see No. 14] validating past action in territories mandated to Dominions."—*Ends.*

New Zealand Act 20 recites that His Majesty may be pleased to confer authority on Parliament and Executive Government of New Zealand to exercise on behalf of His Majesty any jurisdiction over Islands which may be acquired by him by virtue of Mandate, and Section 4 says that exercise by Governor-General in Council of any jurisdiction or authority over Samoa which His Majesty may be pleased, in pursuance of Mandate, to confer on Executive Government of New Zealand is hereby approved, authorised, ratified, and confirmed.

Should be glad to have your Ministers' views on question of validation at earliest possible date.

Union of South Africa.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.50 P.M., February 7, 1920.)

TELEGRAM.

[Answered by Nos. 19 and 20.]

(Paraphrase.)

REFERRING to your telegram 15th November* as to Mandate, I have now reconsidered whole question, and have sent to the Governor-General of New Zealand a telegram which proceeds as follows, after stating General Smuts' views:—

Begins:—"Accordingly, I have reconsidered, etc., etc. [see No. 14], validating past action in territories mandated to Dominions."—*Ends.*

New Zealand Act 20 recites that His Majesty may be pleased to confer authority on Parliament and Executive Government of New Zealand to exercise on behalf of His Majesty any jurisdiction over islands which may be acquired by him by virtue of Mandate, and section 4 says that exercise by Governor-General in Council of any jurisdiction or authority over Samoa which His Majesty may be pleased in pursuance of Mandate to confer on Executive Government of New Zealand is hereby approved, authorized, ratified, and confirmed. Should be glad to have at earliest possible date views of General Smuts on the further question as to the method of validating past action in German South-West Africa.

* No. 10.

Commonwealth of Australia.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.30 P.M., February 12, 1920.)

TELEGRAM.

(Paraphrase.)

SECRET. Your telegram of 7th February,* Mandate. Following from Prime Minister:—

*Begins:—*I entirely agree with opinion of General Smuts. Status of Dominions under terms of Treaty are, in my opinion, incompatible with proposed procedure by Order in Council. I am also of the opinion that the Commonwealth Parliament has full power to legislate and so give power to validate past action in territory. I should be glad to be informed why Commonwealth Government was not communicated with at same time as South Africa and New Zealand in order that its views might be ascertained. Hughes—*Ends.*

MUNRO FERGUSON.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3.29 P.M., February 13, 1920.)

TELEGRAM.

(Paraphrase.)

My telegram of 27th January and yours of 3rd February,† as to Mandate for Samoa.

First: Because of the fact that the Treaties of Peace Act, 1919, is framed on assumption of an Order in Council under the Foreign Jurisdiction Act, and because of the delay in the establishment of civil government which would result if the matter is left to the New Zealand Parliament, the New Zealand Government prefers that such Order in Council to the effect already suggested by the Imperial Government be issued with least possible delay because owing to the delay in establishing civil government there is considerable unrest in Samoa.

Secondly: If it is found that want of uniformity of government of mandatory territories creates any difficulty, the Order in Council can be revoked subsequently and the matter left to the New Zealand Parliament itself.

Thirdly: The New Zealand Government concurs in view that Samoa need not be included in the Imperial Indemnity Bill.

For reason stated in my telegram 27th January‡ a reply is urgently required. —LIVERPOOL.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.50 A.M., February 17, 1920.)

TELEGRAM.

(Paraphrase.)

I HAVE shown your telegram of 7th February§ as to Mandate to Smuts and discussed it with him. As regards last paragraph, he would like to consult his law adviser and to go more carefully into the whole question before giving an answer. As he is very busy electioneering, this will probably necessitate some delay.—Buxton.

* No. 15.

† Nos. 13 and 14.

‡ No. 13.

§ No. 16.

9706

No. 20.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.55 P.M., February 21, 1920.)

TELEGRAM.

(Paraphrase.)

21st February. Mandates. With reference to your telegram 7th February,* my Ministers express pleasure at concurrence of His Majesty's Government with General Smuts' views. Ministers agree that with reference to validation of past acts in mandated territory relevant clauses of Imperial Indemnity Bill should be omitted. They are advised that on acceptance of Mandate Governor-General will have authority, under South West Africa Act No. 49, 1919, and Peace Treaty, to issue proclamation validating past proceedings during military occupation of South West Africa.—Buxton.

12097

No. 21.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.55 A.M. March 6, 1920.)

TELEGRAM.

[Answered by No. 22.]

6th March. Matter most urgent. For reason given in my telegram 27th January† my Prime Minister has asked me to represent urgent necessity for immediate action in the matter of issue of Order in Council conferring on New Zealand jurisdiction to govern Samoan Islands. New Zealand Parliamentary Party is now at Samoan Islands and will be leaving in a day or two.—LIVERPOOL.

12997

No. 22.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.30 P.M. March 9, 1920.)

TELEGRAM.

[Answered by Nos. 23, 24 and 29.]

Your telegram 6th March‡: Following Draft Order is being submitted to His Majesty in Council 11th March:—

*Begins:—*Whereas by the Treaty of Peace between the Allied and Associated Powers and Germany signed at Versailles on the 28th day of June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her right and title over the Islands of Western Samoa:

And whereas it has been agreed between the Principal Allied and Associated Powers that the said Islands shall be administered by His

* No. 16.

† No. 13.

‡ No. 21.

Majesty in his Government of his Dominion of New Zealand, subject to and in accordance with the provisions of the said Treaty:—

And whereas by Treaty, capitulation, grant, usage, sufferance and other lawful means His Majesty the King has jurisdiction in the said Islands, and it is expedient to determine the mode of exercising such jurisdiction:

Now therefore His Majesty, by virtue of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Western Samoa Order in Council, 1920.

2. The limits of this Order are the Islands of Opolu and Savaii in the South Pacific Ocean together with the Islands adjacent thereto situated between the thirteenth and fourteenth degrees of South Latitude and the one hundred and seventy-first and one hundred and seventy-third degrees West Longitude.

The said Islands shall be known as the territory of Western Samoa and shall not be deemed to be included within the limits of the Pacific Order in Council, 1893, and any Orders amending the same.

3. The Parliament of the Dominion of New Zealand shall have full power to make laws for the peace, order and good government of the territory of Western Samoa, subject to and in accordance with the provisions of the said Treaty of Peace.

4. His Majesty may from time to time revoke, alter, add to or amend this Order.

And the Right Honourable Viscount Milner, G.C.B., G.C.M.G., one of His Majesty's Principal Secretaries of State is to give the necessary directions herein accordingly.—*Ends.*

Your Ministers will observe that Order follows generally draft in your telegram of 4th September,* but references to Mandate omitted because not yet issued, also power to confer legislative Executive judicial powers as this seems included in peace, order and good government.

Order will come into force on passing.—SECRETARY OF STATE FOR THE COLONIES.

13075

No. 23.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8 A.M., March 11, 1920.)

TELEGRAM.

11th March. Most Urgent. Your telegram 9th March.† Please defer any action in respect to proposed Order in Council in connection with Samoa until you receive further telegram from me, which will be sent in a few hours. Draft submitted by you does not contain requisite power.—LIVERPOOL.

13087

No. 24.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.57 A.M., March 11, 1920.)

TELEGRAM.

[Answered by No. 25.]

11th March. With reference to your telegram 9th March,‡ received to-day, and to my previous telegram of to-day's date,§ Western Samoa Order in Council. My Ministers advise that draft Order insufficient. It should confer legislative

* No. 3.

† No. 22.

‡ No. 23.

power on Executive Government of New Zealand pending Parliamentary action as contemplated by sections four and five of Treaties of Peace Act, 1919. It is desired accordingly that the following clause be inserted in Order: "Subject to the authority so conferred upon Parliament of New Zealand and until that Parliament otherwise provides, the Executive Government of New Zealand may by Order in Council exercise the like authority to make laws for the peace, order and good government of the said territory."

Prime Minister will be grateful for reply by clear-line message within twelve hours if at all possible, as matter most urgent.—LIVERPOOL.

13087

No. 25.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 4.20 P.M., March 11, 1920.)

TELEGRAM.

YOUR telegrams 11th March.* Following clause will be added to Order in Council as clause 4.

Begins:—Subject to the authority so conferred upon the Parliament of the Dominion of New Zealand, and until that Parliament otherwise provides, the Executive Government of the said Dominion may by Order in Council exercise the like authority to make laws for the peace, order, and good government of the said territory.—*Ends.*

Former clause 4 renumbered clause 5.—SECRETARY OF STATE FOR THE COLONIES

13800

No. 26.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

New Zealand, No 56.

Commonwealth of Australia, No. 114.

Union of South Africa, No. 135.

[My Lord] [Sir],

Downing Street, March 23, 1920.

[*To New Zealand only:* With reference to your Excellency's telegrams of 11th† and 16th March, 1920‡] I have the honour to transmit to you to be laid before [your] [your Excellency's] Ministers [*to New Zealand only:* one sealed and six plain] [*to Australia and South Africa:* the accompanying] copies of an Order of His Majesty in Council of 11th March, entitled "The Western Samoa Order in Council, 1920."

I have, &c.

(For the Secretary of State).

L. S. AMERY.

36448

No. 27.

Union of South Africa.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received July 23, 1920.)

(No. 427.)

MY LORD,

Governor-General's Office, Cape Town, June 30, 1920.

With reference to my despatch No. 815 of the 13th October, 1919, relative to the Treaty of Peace and South-West Africa Mandate Act, 1919,§ I have the honour to

* Nos. 23 and 24.

† Nos. 23 and 24.

‡ Asking whether the Order in Council contained the clause referred to in No. 25: not printed.

§ 65049: not printed. This enclosed a copy of Union Act 49 of 1919: see No. 6.

inform your Lordship that the following resolution was adopted by the House of Assembly on the 18th June:—

"That this House resolves, under section 5 of the Treaty of Peace and South-West Africa Mandate Act, 1919 (Act No. 49 of 1919), that the operation of the provisions of that Act shall be extended until the first day of July, 1921. This House further resolves that the Government be requested to consider the advisability of appointing a Parliamentary Commission representative of all parties in this House to inquire into the question of the future government of the Protectorate and to report not later than the 31st December of this year."

On the 22nd June the Senate concurred in this resolution with consequential amendments, namely, the deletion, wherever they occur, of the words "this House" and the substitution of the word "Parliament."

I have, &c.

BUXTON, Governor-General.

59130

No. 28.

The Commonwealth of Australia.

NEW GUINEA.

No. 25 of 1920.

AN ACT to make provision for the Acceptance of a Mandate for the Government of certain Territories and Islands in the Pacific Ocean, and to make immediate provision for the Civil Government of the said Territories and Islands, and for other purposes. [Assented to 30th September, 1920.]

WHEREAS on the seventeenth day of September, 1914, the territories and islands hereinafter mentioned (then being possessions of the German Empire) were conquered by and surrendered to the naval and military forces of the Commonwealth; Preamble.

And whereas by the Treaty of Peace with Germany signed at Versailles on the twenty-eighth day of June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights and titles over the said territories and islands;

And whereas the said territories and islands are now occupied by the Commonwealth;

And whereas it has been agreed by the representatives of the Principal Allied and Associated Powers that a mandate for the government of the said territories and islands should be conferred on the Commonwealth of Australia;

And whereas under the Covenant of the League of Nations contained in the said treaty a mandate is to be issued to the Commonwealth of Australia for the government of the territories and islands formerly constituting German New Guinea (in which expression are included Kaiser Wilhelm's Land, the Bismarck Archipelago, the German Solomon Islands, the Admiralty Group and all other German Pacific possessions south of the Equator other than the German Samoan Islands and the Island of Nauru), with full power to administer the same, subject to the terms of the mandate, as an integral part of the territory of the Commonwealth;

And whereas it is expedient to make provision for the acceptance of the mandate so to be issued;

And whereas it is also expedient to make immediate provision for the civil government of the said territories and islands;

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, the Senate and the House of Representatives of the Commonwealth of Australia, as follows:—

PRELIMINARY.

1. This Act may be cited as the New Guinea Act, 1920.
2. This Act shall commence on a date to be fixed by proclamation.

Short title,
Commence-
ment.

Definitions.

3. In this Act, unless the contrary intention appears—

"The territory" means the territory of New Guinea;

"The Administrator" means the Administrator of the territory; and

"The Minister" means the Minister administering this Act.

THE TERRITORY.

The territory
of New
Guinea.

4. The territories and islands formerly constituting German New Guinea, as specified in the preamble to this Act, are hereby declared to be a territory under the authority of the Commonwealth by the name of the territory of New Guinea.

Authority
to accept
mandate.

5. The Governor-General is hereby authorised to accept the mandate for the government of the territory when issued to the Commonwealth under the Covenant of the League of Nations.

THE ADMINISTRATOR.

Office of Ad-
ministrator.

6. There shall be an Administrator of the territory, who shall be charged with the duty of administering the government thereof on behalf of the Commonwealth.

Appointment
of Adminis-
trator.

7. The Administrator shall be appointed by the Governor-General under the seal of the Commonwealth, and shall until the Parliament otherwise provides hold office during the pleasure of the Governor-General.

Functions of
Administra-
tor.

8. The Administrator shall exercise and perform all powers and functions that belong to his office according to the tenor of his commission and according to such instructions as are given to him by the Governor-General.

Acting Ad-
ministrator.

9.—(1.) The Governor-General may, by commission under the seal of the Commonwealth, appoint a person to act in the office of Administrator and to administer the government of the territory during any vacancy in the office of Administrator, or when the Administrator is absent from the territory or unable by reasons of illness or incapacity to perform his duties; and such person who so administers shall have and may exercise and perform all the powers and functions of the Administrator.

(2.) In default of such appointment, or in the event of the absence or inability of the person so appointed, the senior officer of the territory present in the territory shall have and may exercise and perform all the powers and functions of the Administrator.

Deputies of
Administra-
tor.

10.—(1.) The Governor-General may authorise the Administrator to appoint any person, or any persons jointly or severally, to be the deputy or deputies of the Administrator within any part of the territory, and in that capacity to exercise during the pleasure of the Administrator such powers and functions of the Administrator as he thinks fit to assign to such deputy or deputies subject to any limitations expressed or directions given by the Governor-General.

(2.) The appointment of a deputy shall not affect the exercise or performance by the Administrator himself of any power or function.

Oaths to be
taken by Ad-
ministrator

11. The Administrator shall, before entering on the duties of his office, take an oath or affirmation of allegiance in the form in the Schedule to the Constitution, and also an oath or affirmation in the form in the Schedule to this Act.

OFFICERS.

Appoint-
ment of
officers

12. The Governor-General may appoint or may delegate to the Minister or to the Administrator power to appoint such officers as are necessary for the administration of this Act or for the proper government of the territory.

LAWS AND ORDINANCES.

Application
of Common-
wealth laws.

13. Except as provided in this or any Act, the Acts of the Parliament of the Commonwealth shall not be in force in the territory unless expressed to extend thereto, or unless applied to the territory by Ordinance made by the Governor-General under this Act.

Ordinances.

14.—(1.) Until the Parliament makes other provision for the government of the territory, the Governor-General may make Ordinances having the force of law in the territory.

(2.) Every such Ordinance shall—

(a) be notified in the "Gazette";

(b) take effect from the date of notification, or from a later date to be specified in the Ordinance; and

(c) be laid before both Houses of the Parliament within fourteen days of the making thereof, or, if the Parliament is not then sitting, within fourteen days after the next meeting of the Parliament.

(3.) If either House of the Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after any such Ordinance has been laid before the House, disallowing the Ordinance, the Ordinance shall thereupon cease to have effect.

GUARANTEES.

Guarantees.

15.—(1.) The slave trade is prohibited in the territory.

(2.) No forced labour shall be permitted in the territory.

(3.) The traffic in arms and ammunition shall be controlled in the territory in accordance with the principles contained in the Convention signed at Brussels on the second day of July, 1890, and known as the General Act of the Brussels Conference, or any Convention amending the same.

(4.) The supply of intoxicating spirits and beverages to the natives of the territory is prohibited.

(5.) The military training of the natives of the territory, otherwise than for purposes of internal police and the local defence of the territory, is prohibited.

(6.) No military or naval base shall be established or fortifications erected in the territory.

(7.) Freedom of conscience, and, subject to the provisions of any Ordinance for the maintenance of public order and morals, the free exercise of all forms of worship shall be allowed in the territory.

REPORT TO LEAGUE OF NATIONS.

16. The Governor-General shall make an annual report to the Council of the League of Nations containing full information as to the measures taken to carry out the requirements of the last preceding section, and as to the well-being and progress of the native inhabitants of the territory.

Report to
Council of
League.

THE SCHEDULE.

FORM OF OATH OR AFFIRMATION.

I, A.B., do swear that I will well and truly serve our Sovereign Lord the King in the office of Administrator of the territory of New Guinea, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will: So help me God.

Or,

I, A.B., do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lord the King in the office of Administrator of the territory of New Guinea, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

49887

No. 29.

New Zealand.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.5 A.M., October 9, 1920.)

TELEGRAM.

[Answered by No. 30.]

October 9. Your telegram 9th March*: Samoan Order in Council. Limits as described in suggested Order forwarded in my predecessor's telegram of 4th September, 1919,† have been altered by the substitution of the fourteenth for the fifteenth degree

* No. 22.

† No. 3.

of south latitude. The limits of the present Order therefore exclude three small islands, one of which is used by the Samoan administration as a leper station. Administrator of Samoa considers matter of sufficient importance to warrant an amendment of the Imperial Order in Council under the Foreign Jurisdiction Act substituting the fifteenth for the fourteenth degree of south latitude, and Government of New Zealand will be glad if Imperial Government will take action accordingly.—JELlicoe.

49887

No. 30.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.20 P.M., October 14, 1920.)

TELEGRAM.

YOUR telegram 9th October*: Samoa. Amending Order in Council will be passed in accordance with your Ministers' wishes at first convenient opportunity. Fourteenth degree was inserted in Order in Council in accordance with your telegram 4th September, 1919.†—MILNER.

55968

No. 31.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

Commonwealth of Australia, No. 499.
Union of South Africa, No. 474.

[MY LORD], [SIR].

Downing Street, November 25, 1920.

WITH reference to my despatch No. [114] [135, of the 23rd March,‡ I have the honour to transmit to [your Excellency] your Royal Highness], to be laid before your Ministers, copies of telegraphic correspondence§ with the Governor-General of New Zealand, together with copies of an Order of His Majesty in Council of the 9th November, entitled "The Western Samoa (Amendment) Order in Council, 1920."

I have, &c.

MILNER.

55968

No. 32.

New Zealand.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 250.)

MY LORD,

Downing Street, November 25, 1920.

WITH reference to my telegram of the 14th October,|| I have the honour to transmit to your Excellency, to be laid before your Ministers, one sealed and six plain copies of an Order of His Majesty in Council of the 9th November, entitled "The Western Samoa (Amendment) Order in Council, 1920."

I have, &c.

MILNER.

20 286/9/8

81

* No. 29.

† No. 3.

‡ No. 25.

§ Nos. 29 and 30.

|| No. 30.

Dominions

No. 81.

CONFIDENTIAL

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS.

POSITION OF THE SELF-GOVERNING DOMINIONS.

CORRESPONDENCE

1917-1920 (Nos. 147 to 150.)

1921

*(In continuation of Dominions Nos. 75, 76, 78 and 80, continued by
Dominions No. 87.)*

July, 1923.

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AALAND ISLANDS NEUTRALITY CONVENTION.					
			1921		
1	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	December 5	Summarizes the terms of the Aaland Islands Neutrality Convention, and inquires whether Ministers agree to ratification.	1
2	The Governor-General	New Zealand Telegram	December 8 (Rec. Dec. 8)	States that the Government of New Zealand agrees to ratification of the Convention.	1
3	Ditto ...	Union of South Africa, Telegram	December 17 (Rec. Dec. 17)	States that Ministers agree to ratification of the Convention.	2
AERIAL NAVIGATION CONVENTION.					
			1921		
4	To the Governor-General	Canada, Telegram	January 26	States, in reply to the Administrator's despatch of the 8th September, 1920, that Article XXXIV. of the Air Convention provides that the first meeting of the Commission shall take place at Paris, and as 1st March is considered latest date to which His Majesty's Government can postpone ratification of Convention, inquires whether Canadian Government would agree to ratification on behalf of Canada, subject to reservation concerning Article 5.	2
5	Ditto ...	Canada, Telegram	March 23	Proposes to proceed, without further delay, with ratification of Air Convention with reservations specified.	3
6	To the Governors-General and Governor	Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram	March 23	Proposes to proceed with ratification of Air Navigation Convention without further delay, and assumes Ministers see no objection subject to reservation specified.	3
7	The Governor-General	Canada, 157	March 9 (Rec. Mar. 24)	Transmits, with reference to No. 4, copies of Privy Council Minute recommending consent to ratification of Convention subject to reservation specified.	4
8	To the Governor-General	Canada, Telegram	March 24	Presumes, with reference to No. 7, that Ministers do not desire specific mention of reservation as to technical annexes.	5
9	The Governor-General	Canada, Telegram	March 30 (Rec. Mar. 31)	States, in reply to Nos. 5 and 8, that Government of Canada would prefer to defer ratification of Convention, pending more definite information as to general situation.	5

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1921					
10	The Governor-General	Commonwealth of Australia, Telegram	March 31 (Rec. Mar. 31)	States that the Commonwealth Government concurs in action proposed in No. 6.	5
11	To the Governor-General	Canada, Telegram	April 4	Summarizes the position as regards the ratification of the Convention.	5
12	The Governor-General	Canada, Telegram	April 7 (Rec. April 8)	States that Government of Canada agrees to ratification as proposed in No. 5, subject to reservation as to Canada's complete freedom of action in relation to the United States.	6
13	Ditto ...	Union of South Africa, Telegram	April 15 (Rec. April 15)	Requests, for reasons given, that, unless request contained in Lord Buxton's telegram of 20th April, 1920, has been acted upon, ratification of Convention on behalf of Union Government be deferred until further notice.	6
14	To the Governor-General	Union of South Africa, Telegram	April 19	States, in reply to No. 13, that the ratification has already been signed, and suggests amendment of the Union Air Bill, instead of causing delay in depositing ratification by alteration.	6
15	The Governor-General	Union of South Africa, Telegram	April 21 (Rec. April 21)	States, in reply to No. 14, that in the circumstances, Ministers see no objection to ratification being proceeded with, and they will arrange for the amendment of the Union Air Bill accordingly.	7
16	The Governor ...	Newfoundland, 56	April 9 (Rec. April 20)	States, in reply to No. 6, that, subject to reservations, Ministers have no objection to offer to ratification.	7
17	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 179	April 30	Transmits copy of despatch to His Majesty's Ambassador at Paris, forwarding the King's Ratification of the Convention.	7
18	The Governor-General	Commonwealth of Australia, 117	March 30 (Rec. May 19)	Transmits copy of memorandum regarding the Canadian and United States reservations to the Air Convention submitted by the Commonwealth Controller of Civil Aviation and approved by Ministers.	8
19	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 210	May 21	Transmits copy of correspondence with the French Minister for Foreign Affairs as to the arrangements for the simultaneous deposit of the French, Belgian, Japanese and British ratifications of the Convention, and the inclusion in the <i>procès verbal</i> of the reservations desired by His Majesty's Government.	10

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1921					
20	The Governor-General	Union of South Africa, Telegram	June 29 (Rec. July 1)	Asks for further information respecting United States and Canadian reservations to the Convention in order that Ministers may formulate their views on points raised by the French Government.	12
21	Ditto ...	Canada, 3e8	June 21 (Rec. July 3)	Explains the position adopted, and the action contemplated by the Canadian Government with regard to their reservations to the Convention.	12
22	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	August 8	States that in order to meet objections of Japanese Government, French Government suggest the substitution of declaration on lines indicated for reservations proposed in No. 19, and inquires whether Ministers have any objection.	13
23	Ditto ...	Canada, 434 Commonwealth of Australia, 967 New Zealand, 152 Union of South Africa, 280	August 15	Transmits copy of an <i>aide memoire</i> prepared in the French Foreign Office relative to the ratification of the International Air Convention.	13
24	The Governor-General	New Zealand, Telegram	August 17 (Rec. Aug. 17)	States, in reply to No. 22, that his Government see no objection in principle to the suggested substitution of declaration for word "reservation."	14
25	Ditto ...	Canada, Telegram	August 25 (Rec. Aug. 26)	States, with reference to No. 22, that Ministers see no objection in principle to substitution of declaration on lines proposed for reservation formerly contemplated.	14
26	The Deputy Governor-General	Union of South Africa, Telegram	August 26 (Rec. Aug. 26)	States that Ministers see no objection in principle to substitution for proposed reservation declaration on lines suggested in No. 22.	14
27	The Governor-General	Commonwealth of Australia Telegram	August 29 (Rec. Aug. 29)	States, with reference to No. 22, that the Commonwealth Government has no objection to the substitution of a declaration on the same lines in lieu of proposed reservation.	14
28	To the Governors-General	Commonwealth of Australia, 365 New Zealand, 177 Union of South Africa, 304	September 12	Transmits copies of two notes from the French Ministry for Foreign Affairs, relative to the ratification of the International Air Convention.	15
29	To the Governor-General	Canada, 496	September 12	Transmits copies of two notes from the French Ministry of Foreign Affairs, submitting an amended form of declaration in substitution for the reservations of Canada and the United States to the Air Convention.	15

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1921					
30	The Deputy Governor-General	Union of South Africa, 614	August 23 (Rec. Sept. 13)	Transmits copy of Minute from Ministers stating that they understand that their observations on the Canadian and United States reservations to the Convention are no longer required.	17
31	To the Governor-General	Canada, Telegram	September 20	Conveys terms of declaration which it is proposed to insert in Protocol of deposit of ratification of the Air Convention, in substitution for the formula suggested by the French Government.	18
32	Ditto ...	Canada, 509	September 21	Amplifies No. 31.	18
33	The Governor-General	Union of South Africa, 702	October 18 (Rec. Nov. 8)	Transmits Minute from Ministers requesting that for the present, His Majesty's Government's representative on the Air Navigation Commission to be set up should act on behalf of the Union Government; any questions at issue specially concerning South Africa to be referred to the High Commissioner in London.	19
34	To the Governor-General	Canada, Telegram	November 15	Urges early decision regarding the ratification of the Air Convention; states reasons.	19
35	Ditto ...	Union of South Africa, 396	December 6	States, in reply to No. 33, that when the International Air Navigation Commission is set up the representative of Great Britain will be instructed to act on behalf of the Union of South Africa, and the High Commissioner will be consulted on questions affecting the interests of the Union.	20
36	The Governor-General	Canada, Telegram	December 20 (Rec. Dec. 20)	States that Ministers approve terms of declaration to be inserted in Protocol of deposit of ratification of the Air Convention, and have no objection to ratification by His Majesty as proposed.	20
37	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	December 24	Conveys text of declaration, which it is proposed to insert in Protocol of deposit of ratification of Air Convention in substitution for the formula suggested by the French Government, and requests concurrence of Ministers.	20
38	Ditto ...	Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	December 24	States that No. 37 has been sent to Australia, New Zealand and the Union of South Africa.	21

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
ANTARCTIC.					
Future Control.					
1921					
39	Admiralty ...	Secret	May 23	Observes, with reference to the work of Wilkes and d'Urville in the Antarctic, that land seen by Wilkes had been taken possession of by d'Urville a few days previously; predicts considerable opposition on the part of the French Government to Order in Council relating to territories south of 60° S., and between 89° and 160° E., and refers to French note of April, 1912, maintaining the rights of French Government to Adélie Land.	21
ARBITRATION AGREEMENTS.					
Denmark.					
1921					
40	The Governor-General	New Zealand, 201	December 17, 1920 (Rec. Feb. 10 1921)	States that his Government agrees to the proposed renewal of the Arbitration Convention with Denmark.	22
41	Ditto ...	Union of South Africa, Telegram	March 26 (Rec. Mar. 26)	States that Ministers agree to renewal of the Arbitration Agreement with Denmark.	23
42	Ditto ...	Canada, Telegram	April 25 (Rec. April 25)	States that his Government has no objection to the proposed renewal of the Arbitration Convention with Denmark.	23
43	Ditto ...	Commonwealth of Australia, Telegram	May 23 (Rec. May 23)	States that Commonwealth Government has no objection to renewal of the Arbitration Agreement with Denmark.	23
Switzerland.					
1921					
44	The Governor-General	Commonwealth of Australia, 187	May 26 (Rec. July 20)	States, with reference to the Secretary of State's despatch of 10th January, 1920, that Commonwealth Government endorses the Foreign Office reply to the Swiss Minister respecting the Arbitration Convention of 1914.	23
45	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 864	September 1	Transmits copy of further correspondence with the Swiss Minister, respecting the question of the renewal of the Arbitration Convention with Switzerland of 1904.	24

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ARMAMENTS: LIMITATION OF EXPENDITURE ON—

1921					
46	To the Governor-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	May 14	Refers to a letter received from the League of Nations, making recommendations regarding the limitation of expenditure on armaments; indicates the terms of proposed reply, and requests views of Ministers.	26
47	The Governor-General	Union of South Africa, 42	April 26 (Rec. May 18)	Transmits Ministers' Minute covering a letter from the League of Nations regarding the limitation of expenditure on armaments, and the Prime Minister's reply explaining the circumstances in connexion with the defence of the Union, and stating that the Government does not feel justified in giving the assurances desired.	27
48	Ditto ...	New Zealand, Telegram	(Rec. May 19)	States, in reply to No. 46, that New Zealand Government desires that His Majesty's Government should speak for the Empire on such matters, and assents to the letter proposed being sent.	29
49	Ditto ...	Union of South Africa, Telegram	May 19 (Rec. May 20)	States, with reference No. 46, that Ministers are in entire agreement with policy of His Majesty's Government, and they readily assent to the reply which it is proposed to send to the League of Nations.	29
50	Ditto ...	Commonwealth of Australia, Telegram	May 27 (Rec. May 27)	States, with reference to No. 46, that suggested reply of His Majesty's Government to League of Nations is in accordance with views of the Government of Australia.	29
51	Ditto ...	Canada, Telegram	May 27 (Rec. May 28)	States the Canadian Government are in agreement with views expressed in No. 46, but consider that replies should be addressed to the League direct, and are communicating with the Secretary General accordingly.	30
52	To the Governor-General	Canada, 343 Commonwealth of Australia, 268 New Zealand, 126 Union of South Africa, 220	June 30	Transmits copy of reply of His Majesty's Government to the League of Nations letter of the 8th March.	30
53	To the Governor ...	Newfoundland, 101	June 30	Transmits copy of a letter from the League of Nations regarding the limitation of expenditure on armaments, and of the reply of His Majesty's Government.	31

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ARMS TRAFFIC CONVENTION.

1921					
54	To the Governor-General	Union of South Africa, 185	May 31	Invites views of Ministers regarding the position of South West Africa under Article 6 (1) of the Arms Traffic Convention.	31
55	The Governor-General	Commonwealth of Australia, Telegram	June 15 (Rec. June 15)	Inquires as to views and action contemplated by His Majesty's Government with regard to the League of Nations resolution respecting trade, arms and ammunition.	32
56	To the Governor-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 256	June 28	Transmits copy of despatch to His Majesty's Ambassador at Washington, requesting him to approach the United States Government with regard to the ratification of the Arms Traffic Convention.	32
57	The Governor-General	Union of South Africa, 485	June 30 (Rec. July 19)	Transmits Minute from Ministers expressing the opinion that South West Africa is excluded from the prohibited zone by the provisions of Articles II. and III. of the Arms Traffic Convention.	37
58	To the Governor-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	September 5	States that His Majesty's Government have decided to authorize their representatives at the League of Nations to state that His Majesty's Government would proceed with ratification of the Arms Traffic Convention as soon as other Allied and Associated Powers do so, subject to safeguards indicated.	38
59	The Governor-General	Canada, Telegram	September 9 (Rec. Sept. 9)	States that his Government concurs in course proposed in No. 58.	38
60	Ditto ...	New Zealand, Telegram	September 10 (Rec. Sept. 10)	Ditto.	38
61	Ditto ...	Commonwealth of Australia, Telegram	September 19 (Rec. Sept. 19)	States that course proposed in No. 58 is in accordance with views of his Government.	38
62	The Deputy Governor-General	Union of South Africa, Telegram	September 24 (Rec. Sept. 25)	States that the course proposed in No. 58 is in accordance with views of the Government of Union of South Africa.	39

BOLIVIA.

Convention for the Prevention of False Indications of Origin on Goods.

1921					
63	To Foreign Office ...	—	May 24	Presumes that on the British side the Convention applies to the United Kingdom only, and that there is no reason to suppose that the Bolivian Government think otherwise.	39

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1921					
64	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 218	May 28	Transmits copy of [Cmd. 1283] containing a Convention between the United Kingdom and Bolivia for the Prevention of False Indications of Origin on Goods.	39
65	To Foreign Office ...	—	July 12	Concurs in the proposal of the Board of Trade to place on record by means of an exchange of notes the view that on the British side the Convention applies to the United Kingdom only.	39
66	Foreign Office ...	—	August 6	Transmits copy of a despatch to His Majesty's Minister at La Paz, requesting him to approach the Bolivian Government with a view to an exchange of notes recording that on the British side the Convention applies to the United Kingdom only.	40
67	Ditto ...	—	November 19	Transmits copy of a despatch from His Majesty's Minister at La Paz inquiring whether it is intended that the Convention should apply to the United Kingdom only, or whether provision should be made for the accession of other parts of the Empire, and requests observations.	40
68	To Foreign Office ...	—	December 1	Considers, in reply to No. 67, that the action indicated in the despatch to His Majesty's Minister at La Paz of 27th July, (enclosure in No. 66), is sufficient.	41

BRITISH POSSESSIONS IN THE PACIFIC.

Proposed Consultation with Australia and New Zealand as regards application of Commercial Treaties to—

1921					
69	Foreign Office ...	—	January 15	States that there is no intention of departing from the practice of consulting the Secretary of State for the Colonies throughout the negotiation of any commercial agreement or treaty affecting the Dominions, etc.	42
70	Ditto ...	—	February 7	Transmits list of British Treaties applicable to British Colonies in the Pacific.	42

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1921					
71	To the Governors-General	Commonwealth of Australia, New Zealand, Secret	May 13	States, with reference to the desire of Ministers to be previously consulted respecting the application of commercial treaties to British possessions in the Pacific, that the existing practice regarding the accession of the Dominions to commercial treaties would appear to constitute a sufficient safeguard; encloses list of commercial treaties applicable to British Colonies and Protectorates in the Pacific, and remarks that adhering Protectorates on becoming Colonies would accede automatically.	42
72	To the Acting High Commissioner for the Western Pacific	Secret	June 11	Transmits copy of correspondence with the Dominion Governments regarding the treaty rights of aliens in British possessions in the Pacific.	44

CENTRAL EUROPEAN FRONTIERS TREATY.

Accession of Serb-Croat-Slovene State.

1921					
73	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 33	January 19	Transmits copy of a note from the Serb-Croat-Slovene Minister declaring the unconditional accession of his Government to the Central European Frontiers Treaty.	45

EGYPT.

Proposed Commercial Treaty.

1921					
74	To Foreign Office ...	Extract	August 26	Suggests amendment of Articles II, VII, XI and XII of the proposed Commercial Treaty with Egypt on lines indicated with a view to its application, on the British side, to the United Kingdom only, in the first instance.	46
75	Foreign Office ...	—	October 3	Transmits copy of a letter from the Board of Trade commenting on the amendments suggested in No. 74, and a revised draft of the Convention; inquires whether the Secretary of State concurs in the alterations made at the suggestion of the Board of Trade and, if so, asks that the Governments of New Zealand and Newfoundland may be consulted at the earliest opportunity.	47

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
76	To the Foreign Office	—	November 9	Suggests certain amendments of the revised draft Commercial Treaty with Egypt, and encloses draft telegrams to New Zealand and Newfoundland respecting the new Convention.	50

ENEMY DEBT.

Agreements with Allied and Associated Powers under Article 296 (f) of Treaty of Peace with Germany.

1921					
77	The Governor-General	New Zealand, Telegram	January 24 (Rec. Jan. 24)	States that his Government consents to the inclusion of New Zealand in Article 1. of the Enemy Debts Agreement with Belgium, and nominates the High Commissioner to sign.	51
78	Ditto ...	Canada, Telegram	February 4 (Rec. Feb. 4)	States that Canada desires to be included in Enemy Debts Agreement with Belgium, France and Italy, subject to conditions indicated, and nominates High Commissioner to sign on behalf of Canada.	51
79	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Telegram	February 8	Reports that an Enemy Debts Agreement with Siam is being negotiated and states that in the absence of intimation to the contrary it will be assumed that inclusion of Dominion Governments is not desired.	51
80	To the Governor-General	Canada, Telegram	February 22	States that Enemy Debts Agreement with Greece is contemplated, and inquires whether inclusion of Canada would be desired.	52
81	To the Governors-General and Governor	Commonwealth of Australia, New Zealand, Newfoundland, Telegram	February 22	Inquires whether it is desired that Dominions be included in proposed Enemy Debts Agreements with France, Italy and Greece.	52
82	The Governor-General	Canada, Telegram	March 3 (Rec. Mar. 4)	States, in reply to No. 80, that Ministers consider it desirable that Canada should enter into proposed agreement with Greece.	52
83	The Governor ...	Newfoundland, Telegram	March 5 (Rec. Mar. 6)	States that Ministers desire that Newfoundland should be included in the Enemy Debts Agreement with France, Italy and Greece.	52
84	The Governor-General	Commonwealth of Australia, Telegram	March 10 (Rec. Mar. 10)	States that Commonwealth Government does not desire to be included in Enemy Debts Agreement with Siam.	53
85	Ditto ...	New Zealand, Telegram	March 12 (Rec. Mar. 12)	States, with reference to No. 81, that Government is not aware of any provisions in these Agreements affecting New Zealand, but is willing to be included, if desired, for uniformity.	53
86	The Governor ...	Newfoundland, 40	March 5 (Rec. Mar. 24)	Confirms No. 83.	53

1921					
87	The Governor-General	Commonwealth of Australia, Telegram	April 11 (Rec. Apr. 11)	States, in reply to No. 81, that it is not desired that Australia should be included in proposed agreements with France, Italy and Greece.	53
88	To the Governors-General	Canada, New Zealand, Telegram	August 3	States that Enemy Debts Conventions and Protocols with Belgium and France were signed on 20th July, and inquires whether Ministers concur in ratification and publication.	54
89	The Governor-General	New Zealand, Telegram	August 13 (Rec. Aug. 13)	States that his Government concurs in ratification and publication of the Enemy Debts Conventions with Belgium and France.	54
90	To the Governor-General	Canada, Telegram	August 22	Urges reply to No. 88.	54
91	The Governor-General	Canada, Telegram	September 17 (Rec. Sept. 17)	Concurs in proposed ratification of Enemy Debts Conventions with France and Belgium.	55
92	Ditto ...	Canada, 568	September 20 (Rec. Oct. 3)	Confirms No. 91.	55

ESTHONIA.

Commercial Agreement.

1921					
93	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 224	June 4	Transmits copies of notes exchanged between His Majesty's Government and the Esthonian Government, placing on record that the notes exchanged on 20th July, 1920, are not regarded as conferring any right, or imposing any obligation, which might conflict with any general International Convention to which either Government is, or hereafter may be, a party.	56

FINLAND.

(1) Proposed Commercial Agreement.

1921					
94	Foreign Office ...	—	November 15	Transmits copy of a despatch to His Majesty's Minister at Helsingfors, conveying instructions for the conclusion of a provisional commercial arrangement on the lines indicated, and inquires what action is desired on behalf of the Dominions, Colonies and Protectorates.	56

(2) Proposed Extradition Treaty.

Application of Extradition Treaties to Mandated Territories.

1921					
95	To the Governor-General	Union of South Africa, Confidential	January 27	Considers that provision should be made to render future Extradition Treaties applicable to mandated territories, and suggests amendment of the draft Extradition Treaty with Finland.	59

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
96	To the Governor-General	Commonwealth of Australia, New Zealand, Confidential	January 27	Transmits copy of a despatch from the Governor-General of Union of South Africa, raising the question of future application of Extradition Treaties to mandated territories, and, on the assumption that the suggestion is acceptable, proposes to take steps with a view to the draft Treaty being amended accordingly.	60
97	The Governor-General	New Zealand, Confidential	May 9 (Rec. June 15)	States that his Government concurs in views expressed in No. 96.	60
98	Ditto ...	Commonwealth of Australia, Confidential	June 13 (Rec. Aug. 10)	States that his Government is in full accord with views expressed in No. 96.	60

FRANCE.

(1) Anglo-French Convention, 1882.

1921					
99	Board of Trade ...	—	November 26	States that, in reply to an inquiry received from Mr. Piesse, of the Commonwealth Prime Minister's Department, regarding the application to the Dominions and Colonies of each party of the Convention of 1882 between the United Kingdom and France, it is proposed, subject to Mr. Churchill's concurrence, to state that Article 10 applies to the British and French Dominions and Colonies respectively; that a similar interpretation may, with less certainty, be placed on the other provisions enumerated, and to add that the Convention has been denounced by the French Government, and is now terminable on three months' final notice by either side.	61

(2) Franco-Canadian Commercial Agreement, 1921.

1921					
100	To the Governor-General	Canada, 117	March 9	Transmits, for signature by Sir G. Foster, original copy of the Franco-Canadian Commercial Agreement, together with relative correspondence.	62
101	Ditto ...	Canada, 156	March 24	Requests the return of the original text of the Franco-Canadian Commercial Agreement enclosed in No. 100, as it is proposed to publish the Agreement in the "Treaty" series.	67
102	The Governor-General	Canada, 366	June 11 (Rec. June 22)	States that the request for the original copy of the Franco-Canadian Commercial Agreement is not understood, as the Canadian Government has a copy signed by the French Government, and the Colonial Office a copy as signed by all parties.	67

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1921					
103	To the Governor-General	Canada, 591	October 26	Transmits copies of the Franco-Canadian Trade Agreement. ([Cmd. 1514] No. 16 Treaty Series, 1921), which was reprinted from the Schedule to the French Trade Agreement Act, 1921.	68
104	Ditto ...	Canada, 679	November 30	Explains, in reply to No. 102, that His Majesty's Government did not retain an authentic text of the Agreement, and requests that a certified copy be forwarded for the Foreign Office archives.	68

FREEDOM OF TRANSIT AND INTERNATIONAL WATERWAYS CONVENTIONS, 1921.

1921					
105	To the Governor-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	March 1	States that it is proposed that Sir H. Llewellyn Smith, the chief British delegate at the Barcelona Conference on Transit and Communication, should have full power from His Majesty to sign any Conventions negotiated, and asks whether Ministers concur that Dominion plenipotentiaries should receive similar full powers.	69
106	The Governor-General	Canada Telegram	March 3 (Rec. March 3)	States, in reply to No. 105, that Ministers consider that full powers ought to be issued to Dominion plenipotentiaries at all Conferences which contemplate conclusion of treaties binding Dominion; adds that the Canadian Government does not intend to participate in the Barcelona Conference or in any treaties there negotiated.	69
107	Ditto ...	Union of South Africa Telegram	March 4 (Rec. March 6)	States that Ministers concur in proposals in No. 105.	69
108	Ditto ...	Commonwealth of Australia, Telegram	March 7 (Rec. March 7)	States in reply to No. 105, that as it is not practicable to arrange for properly instructed delegate to represent Australia at the Barcelona Conference, the Secretary-General, League of Nations, has been so advised.	70
109	Ditto ...	New Zealand Telegram	March 23 (Rec. March 23)	States that Government of New Zealand concurs in proposal that Sir H. Llewellyn Smith, chief British delegate at the Barcelona Conference, should have full powers for signature of any Conventions which may be negotiated.	70
110	To the Governor-General	New Zealand, Telegram	April 7	Inquires whether Ministers desire that Sir H. Llewellyn Smith should sign any Conventions negotiated at the Barcelona Conference on behalf of New Zealand.	70
111	The Governor-General	New Zealand, Telegram	April 12 (Rec. April 12)	Replies in the affirmative to No. 110.	70

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1921					
112	To the Governors-General	Canada, Commonwealth of Australia, Union of South Africa, Confidential	July 18	Transmits copies of the report by the British Delegate on the Transit and Communications Conference; states that His Majesty's Government propose to advise ratification of the Freedom of Transit and Waterways Conventions and of additional Protocol of the Waterways Convention; adds that the Colonies and Protectorates are being consulted as to their adherence to the Protocol.	71
113	To the Governor ...	Newfoundland, Confidential	July 13	Transmits copies of documents (as named) which have been adopted by the Communications and Transit Conference, and of a report by the British Delegate; states that His Majesty's Government propose to advise ratification of the Freedom of Transit and Waterways Conventions, and of additional Protocol to the Waterways Convention; inquires whether ratification is desired on behalf of Newfoundland, and whether a declaration of adherence to the Protocol shall be made on their behalf, and if so in which of the two alternative forms.	72
114	The Governor ...	Newfoundland, Confidential	October 5 (Rec. Oct. 23)	States that Ministers desire ratification of the Freedom of Transit and Waterways Conventions on behalf of Newfoundland, also a declaration of adherence in the wider form to the Protocol to the latter Convention.	73
115	To the Governor-General	New Zealand, Telegram	November 23	States that Sir H. Llewellyn Smith has signed on behalf of New Zealand the Freedom of Transit Convention and Navigable Waterways Convention and Protocol; inquires the wishes of the New Zealand Government as regards ratification.	73
116	Foreign Office ...	—	November 24	Notifies action contemplated with regard to ratification of the Freedom of Transit and Waterways Conventions on behalf of Newfoundland and India; inquires what action is desired on behalf of New Zealand and the non-self-governing Colonies and Protectorates, and requests concurrence in the enclosed draft Instrument of Ratification.	74
117	The Governor-General	New Zealand, Telegram	November 29 (Rec. Nov. 29)	States that New Zealand Government agrees to ratification of the two Conventions and Protocol referred to in No. 115.	75
118	To Foreign Office ...	—	December 17	Replies to inquiries in No. 116, and concurs in the draft Instrument of Ratification, subject to provisos indicated.	76

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HUNGARY.					
Revival of Bilateral Treaties.					
1921					
119	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 438	October 28	Transmits copy of despatch to His Majesty's High Commissioner at Budapest forwarding a draft notice to the Hungarian Government giving a list of the Bilateral Treaties between the British Empire and Austria-Hungary, which it has been decided to revive under Article 224 of the Treaty of Peace.	76
120	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 484	December 5	Transmits copy of despatch from His Majesty's Minister at Budapest, forwarding copy of notes to and from the Hungarian Government relative to the revival of the Austria-Hungary Bilateral Treaties as between the British Empire and Hungary.	77
INTERNATIONAL LABOUR CONFERENCE, 1919.					
Draft Conventions adopted by Conference.					
1921					
121	To Ministry of Labour	—	January 6	States views respecting the application to Newfoundland and the non-self-governing Colonies, etc., of the recommendations and draft conventions adopted at the International Labour Conference.	78
122	Foreign Office	—	April 11	Encloses telegraphic correspondence with His Majesty's Ambassador at Paris, showing that the French Government have issued invitations direct to the Dominion Governments to accede to the Franco-Belgian Convention for giving effect to certain draft Conventions adopted by the International Labour Conference of 1919; suggests that the Dominions should be asked whether they have replied to the invitations and if so the nature of the reply; inquires whether Colonial Office concurs that a strong protest be made to the French Government regarding their direct communication.	79
123	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	April 21	Inquires what reply has been sent to the invitation issued to the Dominions by the French Government to accede to the Franco-Belgian Conventions for giving effect to certain draft Conventions adopted by the Conference.	81

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
124	The Governor-General	Canada Telegram	April 22 (Rec. April 23)	States, with reference to No. 123, that the Acting Consul-General of France at Montreal communicated the draft Conventions concluded between France and Belgium, and suggested that Canadian Government should adhere to the Protocol and avoid constitutional difficulties which might arise from ratification of unsigned Convention; the Canadian Government has declined the suggestion.	81
125	To Foreign Office	—	April 27	Transmits copies of Nos. 123 and 124, and states views regarding the ratification of the draft Conventions; considers that the French Government should be addressed privately respecting their direct communication with the Dominions when the replies from the Dominion Governments have been received.	81
126	Foreign Office	—	May 5	Remarks upon the action of the French Government in addressing an invitation direct to certain of the Dominion Governments to accede to the Franco-Belgian Convention, and upon the desirability of uniformity within the Empire in such matters; agrees to defer communicating with the French Government pending replies from the Dominions concerned.	82
127	The Governor-General	Union of South Africa Telegram	May 7 (Rec. May 7)	States that no invitation to the International Labour Conference at Washington has been received by the Union Government, neither would it appear that the French Consulate General in the Union has received any instructions in the matter.	83
128	To the Governors-General	Commonwealth of Australia New Zealand, Telegram	May 13	Conveys purport of Nos. 124 and 127, and states that His Majesty's Government are disposed to proceed by issue of Order of Council approving draft Conventions.	83
129	The Governor-General	New Zealand, Telegram	May 18 (Rec. May 18)	States that for reasons indicated New Zealand Government does not consider it advisable to take any action with regard to the invitation from the Government of France.	84
130	Ditto ...	Commonwealth of Australia, Telegram	October 11 (Rec. Oct. 11)	States that Commonwealth Government does not agree to course suggested in No. 128, but thinks that draft Conventions should be dealt with in accordance with provisions of Part 13 of the Treaty of Versailles.	84

INTERNATIONAL SANITARY CONVENTION, 1912.

1921					
131	The Governor-General	Canada 889	December 30, 1920 (Rec. Jan. 17, 1921)	States that until the action of the League of Nations in regard to the recommendations of the International Health Organization under the League is promulgated by the League of Nations, no good purpose would be served by altering the attitude of Canada to the Sanitary Convention.	84

1921					
132	The Governor	Newfoundland 18	January 28 (Rec. Feb. 19)	States that Ministers desire to renew their adherence to the International Sanitary Convention.	85
133	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 78	February 28	Transmits copy of the International Sanitary Convention signed at Paris on 17th January, 1912, ratified on 7th October, 1920.	85
134	The Governor-General	Union of South Africa 80	February 18 (Rec. Mar. 15)	Transmits Minute stating that Ministers' views regarding non-adherence of the Union to the Convention remain as stated in their previous minutes on the question.	85
135	Ditto ...	Commonwealth of Australia, 54	February 22 (Rec. Apr. 11)	States that the views of his Government respecting adherence to the Convention remain the same as communicated in despatch No. 243 of the 30th October, 1912.	86
136	To the Governor	Newfoundland 68	June 7	Transmits copy of a note from the French Ministry of Foreign Affairs, stating that all parties to the Convention have been informed of the adhesion of the Government of Newfoundland.	86
137	To the Governor-General	Commonwealth of Australia 234	June 13	Transmits copy of correspondence between the Secretary of State for Foreign Affairs and His Majesty's Ambassador at Paris, respecting notification to the French Government of the accession of the Commonwealth Government to the Convention.	87
138	The Governor-General	New Zealand 136	July 5 (Rec. Aug. 16)	States that his Government is not yet in a position to define what its attitude will be towards the International Sanitary Convention of 1912.	88

JAPAN.

(1) Anglo-Japanese Alliance.

1921					
139	The Governor-General	Canada Telegram Secret	February 15 (Rec. Feb. 15)	Transmits message from his Prime Minister for Mr. Lloyd George setting forth Cabinet's views on the Anglo-Japanese Alliance, and suggesting, <i>inter alia</i> , that an endeavour should be made to hold a conference of Pacific Powers for purpose of adjusting Far Eastern and Pacific questions.	88
140	To the Governor-General	Canada Telegram Secret	February 26	Transmits reply to Canadian Prime Minister from Mr. Lloyd George intimating certain considerations to be urged against the immediate adoption of proposal in No. 139, and inviting Sir R. Borden to a Conference.	89

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject	Page.
			1921		
141	The Governor-General	Canada Telegram Secret	April 1 (Rec. April 2)	Comments on points raised in No. 140, emphasizes the special position of Canada in this matter, and trusts that every effort will be made towards a policy of co-operation. Is emphatically of opinion that it is along lines of proposal outlined in No. 139 that steps should be taken as soon as possible.	90
142	To the Governor-General	Canada Telegram Secret	April 26	Transmits message from Mr. Lloyd George for Mr. Meighen, giving assurance that question of renewal of Alliance with Japan will be left open until June meeting of Imperial Cabinet, and stating that it is proposed to approach Japanese Government with a view to prolonging present Agreement for three months; urges that United States Government should not be approached independently at this stage.	91
143	To the Governors-General and Governor	Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram Secret	April 29	States that Japanese Government is being informed that no decision regarding the renewal of the Anglo-Japanese Alliance can be reached at present, and that steps are being taken to ask the Japanese Government to prolong the Agreement for three months.	92
144	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 192	May 11	Transmits copy of a question and answer in the House of Commons respecting the effect of the Anglo-Japanese Alliance on the relations between the United Kingdom and the United States of America, together with a copy of a despatch from Tokyo forwarding a summary of questions and replies in the Japanese Diet.	92
145	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 231 Secret	June 11	Transmits copy of telegram to His Majesty's Ambassador at Tokyo, indicating the arrangements which have been made for an extension of the Alliance for three months.	93

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			1921		
146	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 313	August 4	Transmits copy of statement by the Prime Minister in the House of Commons on the Far Eastern and Pacific policy, together with a copy of joint notification by His Majesty's Government and the Japanese Government to the League of Nations recognizing that, where inconsistency between the Covenant and the Anglo-Japanese Agreement arises, the terms of the Covenant shall prevail.	94
(2) Anglo-Japanese Tonnage Measurement Agreement.					
			1917		
147	The Governor-General	Commonwealth of Australia Confidential (2)	February 1 (Rec. Mar. 31)	States that Commonwealth Government concurs without reservation in the agreement proposed in the Secretary of State's despatch, dated 27th July, 1916.	96
			1918		
148	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Confidential	July 26	Transmits copies of correspondence with the Japanese Ambassador regarding the proposed Agreement.	97
			1919		
149	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 759 Confidential	September 26	Transmits copies of correspondence with the Japanese Embassy, on the subject of the Agreement.	99
			1920		
150	The Governor-General	New Zealand, Confidential	December 19, 1919 (Rec. Feb. 2, 1920)	States that his Government does not desire to depart from the decision arrived at in September, 1916, respecting the proposed Agreement.	100

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LATVIA.

Proposed Commercial Treaty.

Position of British subjects under Commercial Treaties.

1921					
Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
151	Foreign Office ...	—	July 20	Proposes an inter-departmental conference to discuss the formula to be used with regard to the participation of the self-governing Dominions in the Latvian Commercial Treaty and similar treaties, and the inclusion of mandated territories in future commercial treaties.	100
152	To Foreign Office ...	—	September 16	States objections to the proposal to exclude from the benefits of the Latvian Commercial Treaty and similar treaties, British subjects connected with a non-adhering Dominion.	101
153	Foreign Office ...	—	November 5	Adheres to the opinion that the questions referred to in No. 151 would best be settled by a small <i>ad hoc</i> conference between the Foreign Office, Colonial Office, and Board of Trade; asks if the Secretary of State would send a representative to a conference at the Foreign Office.	105

LEAGUE OF NATIONS.

Proposed Amendments of Covenant.

1921					
Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
154	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa Telegram	April 7	Inquires whether Ministers desire to communicate any observations to the Commission appointed to consider amendments to the Covenant of the League of Nations.	105
155	The Governor-General	Union of South Africa Telegram	April 30 (Rec. April 30)	States, with reference to No. 154, that Ministers deprecate independent action on matter of such importance as amendment of Covenant of the League of Nations; they suggest discussion of the proposed amendment in London this summer.	106
156	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 47	December 31	Transmits memorandum showing proposed amendments to the Covenant adopted by the Assembly, and copy of note by Mr. Balfour regarding Agreement with French Government as to ratification of Article 16.	106

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MANDATES

(1) Attitude of Japanese Government.

1921					
Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
157	The Governor-General	New Zealand Telegram	(Rec. Feb. 17)	States that New Zealand Government is in complete agreement with Commonwealth Government on points indicated.	107
158	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Secret	February 28	Transmits copy of a Declaration made by the Japanese Government regarding "C" Mandates.	107

(2) Attitude of United States Government.

1921					
Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
159	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Dominions Treaty 30 Confidential	September 1	Transmits copy of a memorandum transmitted by the United States Ambassador in London, containing the views of his Government on the subject of Mandates, also transmits a copy of a note from the French Ambassador suggesting a slight modification in "B" Mandates.	108

(3) Nauru Mandate.

160	Colonial Office ...	—	—	Memorandum relating to Nauru.	112
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(4) Position of Mandated Territories in relation to Treaties.

1921					
Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
161	The Governor-General	Commonwealth of Australia, 269	August 1 (Rec. Sept. 29)	States that the Commonwealth Government would be glad to be kept advised of any questions that may arise concerning the international status of mandated territories, and of the views of His Majesty's Government on these questions.	116
162	Foreign Office	—	October 21	States that the attitude of His Majesty's Government towards questions concerning international status of mandated territories is governed by Articles 22 and 27 of the Treaty of Versailles, which provided for the diplomatic protection of inhabitants, the application of treaties to mandated areas, and the rights of foreigners.	116

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(5) Western Samoa: Preferential Tariff.

1921					
163	To the Governor-General	New Zealand Confidential	January 8	Transmits copy of a memorandum from the United States Government relative to the proposed introduction by the New Zealand Government in Western Samoa of a tariff giving preference to British imports; observes that the grant of a preference would appear to conflict with the Samoan Convention of 1899.	117
164	The Governor-General	New Zealand Confidential	June 13 (Rec. July 25)	Transmits copy of a memorandum by the Acting Prime Minister expressing the views of the New Zealand Government relative to the introduction in Western Samoa of a preference tariff for imports from the British Empire.	119
165	Foreign Office	—	August 24	Proposes to make no reply to the United States representations regarding the introduction into Western Samoa of a tariff giving preference to imports from the British Empire until the policy of the United States Government towards mandates has been declared.	120
166	Ditto ...	—	September 12	Transmits copy of a memorandum from the United States Government on the general question of mandates dealing <i>inter alia</i> with the desire of the United States Government to reserve the special treaty rights as to German Samoa; considers that there are insufficient legal grounds to resist the contention that the United States rights under the Treaty of 1899 are not extinguished by the Peace Treaty.	120

(6) South West Africa: Withdrawal of Martial Law.

1921					
167	The Governor-General	Union of South Africa 8	January 5 (Rec. Jan. 25)	Transmits copy of a Proclamation ratifying all proclamations issued in South-West Africa, including a Proclamation of Indemnity and withdrawal of Martial Law, and authorizing the Administrator to repeal or alter any laws in force in the territory.	121
168	Ditto ...	Union of South Africa 59	February 8 (Rec. Mar. 1)	Transmits Proclamation No. 76 of 1920, issued by the Administrator of South West Africa withdrawing martial law and indemnifying the civil and military officers.	123

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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MONTENEGRO.

Commercial Treaty, 1910.

1921					
169	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 301	July 27	States that for reason given, the Commercial Treaty with Montenegro of 11th January, 1910, is considered to be no longer in force.	125

MUSCAT.

Anglo-Muscat Treaty, 1891.

1921					
170	To the Foreign Office	—	August 17	Refers to the proposed renewal of the Anglo-Muscat Commercial Treaty, and considers that in view of circumstances stated, a clause should be inserted giving the Dominions separate liberty of withdrawal.	126
171	To India Office	—	December 9	Submits draft of a clause to be substituted for Article XXI. of the revised Anglo-Muscat Treaty of 1905.	127

PEACE COMMISSION TREATIES.

Bolivia, Brazil, Chile and Peru.

1921					
172	The Deputy Governor-General	Canada 292	April 18 (Rec. May 2)	States that the Minister of Justice approves the proposed appointments of Senor Manuel A. Montes de Oca and the Marques de Lema as members of the Commission.	128
173	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 228	June 10	Transmits copy of despatch to His Majesty's Minister at Santiago conveying instructions for the Chilean Government to be approached with a view to the question of a Peace Commission Treaty being dropped, as the League of Nations Covenant provides for the settlement of any differences.	128
174	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 430	October 24	Transmits copy of despatch from His Majesty's Minister at Santiago stating that the Chilean Government agrees to the cancellation of Peace Commission Treaty; proposes therefore to effect an exchange of notes to terminate the treaty; proposes also, in view of the scope of the League of Nations Covenant, to issue instructions that the treaties with Peru and Bolivia be not proceeded with; considers that the somewhat wider Treaty with Brazil should be allowed to stand.	129

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1921					
175	The Governor-General	Union of South Africa Telegram	December 12 (Rec. Dec. 12)	States that Ministers concur in course of action proposed in No. 174.	130
176	Ditto ...	Canada Telegram	December 20 (Rec. Dec. 20)	States that Government of Canada sees no objection to course suggested in No. 174.	131
177	Ditto ...	Commonwealth of Australia Telegram	December 23 (Rec. Dec. 23)	States that his Government concur in course of action proposed in No. 174.	131
178	Ditto ...	New Zealand Telegram	December 24 (Rec. Dec. 24)	Ditto.	131

PERMANENT COURT OF INTERNATIONAL JUSTICE AND COURT OF ARBITRATION AT THE HAGUE.

1921					
179	To the Governor	Newfoundland 27	February 7	Transmits copy of a letter from the Secretary-General of the League of Nations relating to the Statute of the Permanent Court of International Justice.	131
180	The Governor-General	Canada Telegram	February 23 (Rec. Feb. 24)	States that the Canadian Government proposes to sign Protocol in connexion with the Statute of the Permanent Court of International Justice, and inquires whether it is proposed to issue full powers to the United Kingdom representative, or some less formal credentials.	132
181	To the Governor-General	Canada Telegram	March 8	States, in reply to No. 180, that Mr. Balfour signed the Protocol on behalf of the United Kingdom, but not the optional clause, as he did not hold full powers; suggests that Canadian representative be provided with such authority to sign as Ministers consider appropriate.	132
182	The Governor-General	Union of South Africa Telegram	March 22 (Rec. Mar. 23)	States that certified copies of Protocol of signature relating to the Statute of the Permanent Court of International Justice have been received by Ministers, and they ask that His Majesty may be pleased to ratify this Protocol on behalf of the Union.	132
183	To the Governor-General	Commonwealth of Australia Telegram	April 8	Inquires views of Commonwealth Government as regards signature and ratification of Protocol in connexion with the Statute of the Permanent Court of International Justice.	132
184	The Deputy Governor-General	Canada 197	March 31 (Rec. Apr. 12)	Transmits Privy Council Minute authorizing Mr. Philippe Roy to sign the Protocol on behalf of Canada.	133
185	To the Governor-General	New Zealand Telegram	April 19	Inquires views of Ministers regarding ratification of Protocol, and states that, as far as the United Kingdom is concerned, His Majesty's Government have decided on ratification by His Majesty.	134
186	To the Governor-General and Governor	Canada, Newfoundland Telegram	April 19	Ditto.	135

1921					
187	The Governor-General	New Zealand Telegram	April 22 (Rec. April 22)	States, in reply to No. 185, that his Government desire ratification by His Majesty on behalf of New Zealand.	135
188	To the Governor	Newfoundland 60	April 22	Transmits copies of League of Nations papers relating to the establishment of the Permanent Court of International Justice.	135
189	The Governor-General	Canada Telegram	May 4 (Rec. May 5)	States, in reply to No. 186, that Order in Council will be passed authorizing ratification on behalf of Canada as soon as Parliamentary sanction has been obtained.	136
190	The Governor	Newfoundland Telegram	May 11 (Rec. May 11)	States, in reply to No. 186, that Ministers agree to ratification on behalf of Newfoundland.	136
191	To the Governors-General	New Zealand, Union of South Africa Telegram	May 13	Communicates message from the League of Nations Secretariat regarding the nomination of candidates for posts on Permanent Court of International Justice.	136
192	The Governor-General	Commonwealth of Australia Telegram	May 16 (Rec. May 16)	States, in reply to No. 183, that Commonwealth Government agrees to sign Protocol, but not to optional clauses; the Prime Minister will sign for Australia on his arrival in England.	137
193	Ditto ...	New Zealand Telegram	May 19 (Rec. May 19)	States that the Government of New Zealand does not desire to nominate members of the Permanent Court of International Justice.	137
194	To the Governor-General	Commonwealth of Australia Telegram	May 20	Inquires, with reference to No. 192, whether it may be assumed that Commonwealth Government agrees to ratification of Protocol by His Majesty after signature by Prime Minister.	137
195	The Governor-General	Union of South Africa Telegram	May 25 (Rec. May 28)	Transmits, in reply to No. 191, message from the League of Nations nominating as National Group under Article IV, of Statute of Permanent Court of International Justice, Sir J. B. Innes, Sir W. Solomon, Sir J. Kotze and Mr. L. J. de Wet.	137
196	Ditto ...	Commonwealth of Australia Telegram	May 31 (Rec. May 31)	States, in reply to No. 194, that after receipt of information that Protocol has been signed by the Prime Minister, application will be made that Protocol may be ratified by His Majesty on behalf of the Commonwealth.	138
197	To the Governor-General	Commonwealth of Australia Telegram	June 17	States, in reply to No. 196, that Commonwealth Prime Minister signed Protocol, but not optional clause, on 16th June; requests early intimation of decision regarding ratification.	138
198	Ditto ...	Canada Telegram	June 20	Inquires, with reference to No. 189, whether Order in Council authorizing ratification has been passed.	138

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1921					
199	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 254	June 28	Transmits copies of two questions asked in the House of Commons on 14th June regarding the appointment of British Members to the Hague Court of Arbitration, and the reply thereto.	138
200	The Governor-General	Commonwealth of Australia Telegram	June 30 (Rec. June 30)	Notifies approval of ratification by His Majesty on behalf of the Commonwealth, of Protocol of Permanent Court of International Justice.	139
201	Ditto ...	Canada Telegram	July 6 (Rec. July 6)	States, in reply to No. 198, that by Order, in Council approved 25th June, it is recommended that Protocol be ratified by His Majesty on behalf of Canada.	139
202	Ditto ...	Canada 425	July 13 (Rec. July 25)	Transmits copies of Order in Council recommending that the Protocol of Signature be ratified by His Majesty for and on behalf of Canada.	140
203	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 316	August 6	Transmits copy of the Instrument of Ratification of the Protocol of the Permanent Court of International Justice.	140

PERSIA.

Agreement, 1920, Modifying the Commercial Convention of 1903.

1921					
204	To Foreign Office ...	—	January 27	Asks for views on certain points respecting the position of the Dominions under the Agreement between the United Kingdom and Persia modifying the Commercial Convention of 1903.	141
205	Foreign Office ...	—	April 15	Transmits copy of letter from the Board of Trade stating the views of the Board as to the application of the Commercial Agreement with Persia of 1903 to mandated territories, in which views Lord Curzon concurs.	142
206	To Foreign Office ...	—	May 19	Transmits, with reference to No. 205, draft of despatch to Dominions for Lord Curzon's concurrence.	143

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1921					
207	To Board of Trade...	—	May 19	Transmits copy of Nos. 205 and 206, together with draft of a despatch to the Dominion Governments, and inquires whether the Board concur in the terms of the draft despatch.	144
208	Foreign Office ...	—	May 24	Concurs in terms of draft despatch transmitted in No. 206, subject to Board of Trade observations.	144
209	Board of Trade ...	—	June 7	Concurs in terms of draft despatch transmitted in No. 207.	144
210	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 236	June 14	States that the Commercial Agreement between the United Kingdom and Persia was so drawn up as to enable any of the Dominions to free itself from Treaty obligations in regard to the treatment of Persian subjects, goods and vessels, and inquires whether Ministers would wish notice to this effect to be given.	145
211	The Governor ...	Newfoundland 115	July 12 (Rec. Aug. 3)	Explains, with reference to No. 210, that Ministers do not think it necessary to take any action for freeing the Colony from Treaty obligations with Persia.	145
212	The Administrator...	Canada 457	July 27 (Rec. Aug. 8)	States that Canadian Government desires notice to be given of withdrawal from the Agreement between the United Kingdom and Persia of 1920.	145
213	The Governor-General	Union of South Africa 666	September 28 (Rec. Oct. 15)	Transmits copy of minute from Ministers stating that there appear to be no reasons for the discontinuance of the Treaty obligations with Persia regarding Customs and Commercial Agreements, but observing that Persian subjects are amenable to the Immigration Laws regulating the admission of Asiatics.	146
214	Ditto ...	New Zealand 193	September 13 (Rec. Nov. 10)	States that New Zealand Government do not wish a notice to be sent in terms of the Anglo-Persian Agreement of 1920, freeing itself from all Treaty obligations with Persia.	146
215	To the Governor-General	Canada 621	November 11	Transmits copy of despatch to His Majesty's Minister at Tehran, requesting that the Persian Government may be informed of the withdrawal of the Canadian Government from the Commercial Agreement of 1920.	147
216	The Governor-General	Commonwealth of Australia 345	October 11 (Rec. Nov. 25)	Asks, in reply to No. 210, that the Persian Government may be notified of the desire of the Australian Government to free itself from all Treaty obligations with Persia.	147

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PROPERTY, RIGHTS AND INTERESTS.

Agreement as to Restitution of Property, etc., under Article 297.
Treaty of Peace with Germany.

1921					
217	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	January 9	Reports signature of the Restitution of Property Agreement on 31st December, 1920, with Protocol confining its application to the United Kingdom, but providing for possible extension to include India.	148
218	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 41	January 21	Transmits copies of the Reciprocal Restitution of Property Agreement and Protocol.	148
219	The Governor ...	Newfoundland 241	December 31, 1920 (Rec. Jan. 24, 1921)	States that Ministers have no knowledge of any property belonging to persons in Newfoundland held in Germany, therefore the proposed agreement would appear to have no practical importance for the Colony.	149
220	The Governor-General	New Zealand Telegram	January 26 (Rec. Jan. 26)	States, with reference to No. 217, that his Government is willing to adopt proposed agreement with Germany, and any similar agreement with other enemy powers.	149
221	Ditto ...	Commonwealth of Australia Telegram	February 14 (Rec. Feb. 14)	Concurs in suggestion as to an exchange of Notes in the terms indicated in the Secretary of State's telegrams of the 16th December, 1920.	149
222	Ditto ...	Canada 107	February 14 (Rec. Mar. 4)	States that it is considered that Canada should adhere to the Restitution of Property Agreement, and sets forth the amendments necessary to make the agreement applicable to Canada.	149
223	To the Governor-General	Canada 623	November 11	Transmits, with reference to No. 222, communication from German Government stating that no decision has been reached regarding the inclusion of Canada in the Restitution of Property, etc., Agreement.	150
224	Ditto ...	New Zealand 221	November 11	Transmits copies of certificate of the exchange of ratifications of the Anglo-German Agreement relating to restitution of property, etc., and additional protocol correcting certain textual errors.	151

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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ROUMANIA.

Denunciation of Commercial Convention of 1905.

1921					
225	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 177	April 29	Transmits copy of despatch notifying the decision of the Roumanian Government to denounce the Commercial Convention with England of 1905.	151

RUSSIA.

Trade Agreement [Cmd. 1207].

1921					
226	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 36 Confidential	January 21	Transmits copy of a draft Trade Agreement between His Majesty's Government and the Russian Soviet Government.	152
227	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 116	March 24	Transmits copy of Trade Agreement between His Majesty's Government and the Russian Soviet Government, and of the Declaration of the Recognition of Claims, and inquires whether Ministers would desire to participate, and, if so, in what manner.	152
228	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 126	April 4	Transmits copy of a Parliamentary Paper containing the text of the Trade Agreement between His Majesty's Government and the Russian Soviet Government.	153

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
229	The Governor-General	Union of South Africa 246	April 27 (Rec. May 18)	Transmits Minute from Ministers stating that they desire to resume trade relations with Russia, and that a special agreement appears to be unnecessary in the case of the Union; stating also that the High Commissioner will be instructed to discuss with the Board of Trade and the Russian representatives in London any action which may be deemed necessary for the resumption of normal intercourse.	153
230	The Governor ...	Newfoundland 87	May 23 (Rec. June 8)	States that Ministers do not desire to participate in any arrangement for the resumption of trade with Russia.	154
231	The High Commissioner for Canada	—	August 3	Asks that arrangements may be made for the adhesion of Canada to the Trade Agreement with Russia, and that thereafter Mr. H. J. Mackie and Mr. L. D. Wilgress may be attached to the British Trade Mission in Russia with a view to reporting on conditions in Russia, and on the advisability of the appointment of a permanent Canadian trade representative.	154
232	The Governor-General	New Zealand 135	July 5 (Rec. Aug. 16)	States, with reference to No. 227, that Ministers desire to postpone consideration of the question, pending Mr. Massey's return.	154
233	To the High Commissioner for Canada	—	August 31	Transmits copy of correspondence between the Foreign Office and the Russian Trade Delegation in London, relative to the attachment of Mr. H. J. Mackie and Mr. L. D. Wilgress to the British Trade Mission in Russia.	155
234	The Governor-General	Canada 517	August 30 (Rec. Sept. 10)	Transmits copy of Privy Council minute stating that Canada desires to participate in the arrangement for the resumption of trade with Russia, and asking permission to attach Canadian representative to the British Government Trade Mission.	156
235	Ditto ...	Commonwealth of Australia 276	August 6 (Rec. Sept. 29)	States that the Commonwealth Government is agreeable to remove all restrictions on trade with Russia, but does not desire to become a party to the Trade Agreement.	156
236	To the Governor-General	Canada 568	October 15	Transmits copy of correspondence relative to the attachment of Canadian representatives to the British Trade Mission in Moscow, and suggests that the participation of Canada in the Agreement might be provided for by means of a formula to be embodied in an exchange of notes between the Foreign Office and the Russian Trade Delegation.	157
237	The Governor-General	New Zealand 218	October 14 (Rec. Nov. 21)	States that the New Zealand Government desire to participate in the Russian Trade Agreement to the extent indicated.	157

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
238	The Governor-General	Canada Telegram	December 28 (Rec. Dec. 28)	States, in reply to No. 236, that his Government concurs in the terms of the proposed formula.	158

SERB-CROAT-SLOVENE STATE.

Commercial Treaty of 1907.

1921					
239	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 303	July 28	States that His Majesty's Government thinks that it may be well to place on record that the Commercial Treaty with Serbia of 1907 remains binding on the Serb-Croat-Slovene State under the Treaty of 1919.	158

SIAM.

Revision of Commercial Treaties.

1921					
240	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 285	July 19	Encloses documents respecting the proposed revision of Commercial Treaties with Siam and requests views on points connected with the trade of the Dominions.	159
241	The Governor-General	Confidential Canada Confidential	August 19 (Rec. Aug. 29)	States, in reply to No. 240, that the Canadian Government does not think it necessary to make further suggestions at present.	160
242	The Deputy Governor-General	Union of South Africa Confidential	September 21 (Rec. Oct. 11)	Transmits minute from Ministers recommending that in any new Treaty with the Siamese Government, the Union of South Africa be accorded most-favoured-nation treatment.	161
243	The Governor ...	Newfoundland Confidential	October 10 (Rec. Oct. 24)	States, in reply to No. 240, that Ministers have no remarks to offer, as Newfoundland has no trade with Siam.	161
244	The Governor-General	New Zealand Confidential	September 23 (Rec. Nov. 10)	States, in reply to No. 240, that New Zealand's present interests in trade with Siam are unimportant, but the Dominion is concerned with the maintenance of the most-favoured-nation clause for British Possessions and the improvement of protection of trade and merchandise marks and patents.	162

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
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TERRITORIAL WATERS.

(1) Estuary of the St. Lawrence.

1921					
245	To the Governor-General	Canada Telegram	April 18	Inquires, with reference to question asked in the House of Commons, whether the Canadian Government consider that the territorial waters of the Gulf and Estuary of the St. Lawrence extend beyond the three mile limit.	162
246	The Governor-General	Canada Telegram	May 20 (Rec. May 21)	States that reply to question in No. 245 is in the affirmative.	163
247	To the Governor-General	Canada 290	June 8	Transmits copy of House of Commons questions and answers regarding the limit of territorial waters in the Gulf of St. Lawrence and in the Moray Firth.	163

(2) Norway: Legislation Extending Limit of Territorial Waters for Customs Purposes.

1921					
248	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 484 Confidential	October 26	Transmits correspondence on the subject of the extension to ten sea miles of the limits within which the Norwegian Customs authorities may control shipping.	164

(3) Surinam: Admission of Foreign Warships.

1921					
249	To Foreign Office ...	—	August 31	Submits observations on Admiralty letter to Foreign Office of the 5th August, respecting the Dutch Decree governing the admission of foreign warships into Surinam waters.	167
250	Admiralty ...	—	October 1	Submits observations on No. 249, and conveys the view that for general purposes, the three mile limit of territorial waters must be maintained subject to qualifications regarding certain bays, estuaries and straits, and for fishery purposes.	168
251	To Admiralty ...	—	November 9	Submits observations on points raised in No. 250.	168

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
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TURKEY.

Treaty of Peace (Sèvres). Proposed Modification.

1921					
252	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa Telegram	March 1	Transmits message for Prime Ministers, giving the substance of the new proposals for the settlement of the question of the nationality of the population of Smyrna and Eastern Thrace, and inquiring as to signature on behalf of the Dominions of Protocol embodying the proposal.	169
253	The Governor-General	Union of South Africa Telegram	March 3 (Rec. Mar. 3)	Nominates the High Commissioner for South Africa in London to sign the Protocol modifying the Sèvres Treaty on behalf of the Union.	170
254	Ditto ...	Canada Telegram Secret	March 4 (Rec. Mar. 4)	Transmits message from Prime Minister stating, in reply to No. 252, that the High Commissioner for Canada is being authorized to sign Protocol on behalf of Canada.	170
255	Ditto ...	Commonwealth of Australia Telegram	March 11 (Rec. Mar. 11)	Inquires as to probable date of signing of Protocol modifying the Treaty of Sèvres.	171
256	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	March 11	Transmits message for Prime Ministers, explaining that it is not proposed to proceed with course suggested in No. 252, and giving substance of further proposals to be put forward.	171
257	To the Governor-General	Commonwealth of Australia Telegram	March 17	States, in reply to No. 255, that it is not proposed to proceed with Protocol originally proposed for modifying the Turkish Treaty; but Governor-General will be notified if further Protocol is drawn up as result of proposals in No. 256.	172
258	The Governor-General	New Zealand Telegram	April 14 (Rec. April 14)	Nominates His Majesty's representative to sign Protocol of Greek and Turkish Treaty on behalf of New Zealand.	172

UNITED STATES.

(1) Real and Personal Property Convention, 1899. Accession of Canada. Position of British Subjects under Treaties.

1921					
259	The Governor-General	Canada 118	February 23 (Rec. Mar. 7)	Transmits copy of despatch to His Majesty's Charge d'Affaires at Washington, enclosing Privy Council Minute requesting that the United States Government may be approached with a view to arranging for the adherence of Canada to the Real and Personal Property Convention.	172

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Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1921		
260	Foreign Office ...	—	April 6	Forwards copies of despatches from Washington respecting the result of an appeal to the United States Supreme Court in the case of Ingoldshy; submits reasons for considering a request for arbitration inadvisable, and proposes to instruct Sir A. Geddes to take no further steps to obtain reconsideration of the decision.	173
261	To Foreign Office ...	—	May 7	Suggests, in reply to No. 260, that information should be obtained from His Majesty's Ambassador at Washington as to the arguments used on both sides in the case of Ingoldshy, and the Law Officers should then be consulted as to the action to be taken.	178
262	Foreign Offi ...	—	May 30	Transmits copy of a despatch from His Majesty's Ambassador at Washington, covering a note from the Department of State, submitting a draft supplementary Convention providing for the adherence of Canada to the Real and Personal Property Convention.	180
263	Ditto ...	—	June 29	Transmits copy of despatch from His Majesty's Representative at Washington, covering a despatch from Ottawa respecting the method of procedure to be adopted with regard to the accession of Canada to the Real and Personal Property Convention.	181
264	Ditto ...	—	June 30	Transmits copy of despatch from His Majesty's Ambassador at Washington enclosing certain documents relating to the Kidd versus Sullivan case, and remarking on the channel for representations.	181
265	Ditto ...	—	November 4	Transmits copy of a despatch from His Majesty's Representative at Washington, reporting the signature on the 21st October, 1921, of the Real and Personal Property Convention between the United States and Canada.	182
266	To the Governor-General	Canada 680	November 30	Inquires whether ratification of the Convention providing for accession of Canada to the Real and Personal Property Convention is desired, and, if so, asks that the signed original text of the Convention may be forwarded to the Foreign Office.	183
267	Ditto ...	Canada 685	December 2	Transmits copy of note from the United States Ambassador notifying the extension to Hawaii of the Real and Personal Property Convention of 1890.	183

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Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1921		
268	To the Governors-General and Governor	Commonwealth of Australia 477 New Zealand 244 Union of South Africa 393 Newfoundland 177	December 2	Transmits copy of note from the United States Ambassador reporting the extension to Hawaii of the Real and Personal Property Convention, and reports that the Convention has also been applied to Porto Rico.	184

(2) Supplementary Extradition Convention

			1921		
269	To the Governor-General	Canada 326	June 22	Transmits copy of a Note from the United States Ambassador, stating that the United States Senate has agreed to the ratification of the supplementary Extradition Treaty, amended as indicated, and asking if His Majesty's Government will accept the amendment, and in what form it is preferred to give effect to such amendment.	185
270	The Governor-General	Canada 618	October 11 (Rec. Oct. 24)	States, with reference to No. 269, that the Canadian Government desires ratification of the Convention subject to the United States Senate Amendment.	185
271	To the Governor-General	Canada 667	November 25	Transmits, with reference to No. 270, proof of the Convention in its revised form which will require to be signed afresh, and requests concurrence of Ministers.	186

VENEREAL DISEASE AMONG SEAMEN

Proposed International Convention.

			1921		
272	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 359	August 31	Transmits copy of a Note from the Belgian Ambassador covering the draft of an International Agreement respecting the treatment of venereal disease among seamen.	191
273	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 426	October 19	Transmits copy of a Note to the Belgian Ambassador suggesting certain minor amendments to the draft treaty enclosed in No. 272.	193

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1921					
274	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 499	December 16	Inquires whether Ministers desire to accede to the Convention regarding the treatment of venereal disease among seamen.	194

WASHINGTON CONFERENCE, 1921.

1921					
275	The Governor-General	Canada Telegram	August 23 (Rec. Aug. 23)	Forwards message from Mr. Meighen (Prime Minister) to Mr. Lloyd George asking for information regarding the Washington Conference.	195
276	Ditto ...	Canada Telegram	August 27 (Rec. Aug. 27)	Forwards message from Mr. Meighen to Mr. Lloyd George asking how it is proposed to provide for the representation of Canada at the Conference.	195
277	To the Governor-General	Canada Telegram	August 29	Forwards message for Mr. Meighen from Mr. Lloyd George, replying to No. 275.	195
278	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 389	September 12	Transmits copy of note from the United States Charge d'Affaires, forwarding the formal invitation of the United States Government to participate in a Conference on the subject of the limitation of armaments, and copy of the reply of His Majesty's Government.	196
279	To the Governors-General	Commonwealth of Australia, New Zealand Telegram	October 3	Forwards message from Mr. Lloyd George for Mr. Hughes and Mr. Massey urging their personal attendance at the Conference, but, failing this, suggesting that Lord Novar might represent both Australia and New Zealand.	197
280	To the Governor-General	Canada Telegram	October 3	Inquires when it is desired to appoint a Canadian representative at the Conference.	198
281	Ditto ...	Union of South Africa Telegram	October 3	Forwards message from Mr. Lloyd George for General Smuts inquiring whether the Union desires representation at the Conference.	198

1920					
282	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram Secret	October 3	Forwards message from Mr. Lloyd George for Prime Ministers, stating the present position regarding the Conference arrangements.	198
283	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram Secret	October 3	Forwards message from Mr. Lloyd George for Prime Ministers, communicating tentative suggestions by the United States Government for the Conference Agenda.	200
284	The Governor-General	Canada, Telegram Secret	October 3 (Rec. Oct. 4)	Forwards message from Mr. Meighen for Mr. Lloyd George nominating Sir Robert Borden as Canadian representative on the British Empire Delegation, and proposing Mr. Loring C. Christie to serve on the Secretariat.	200
285	To the Governor-General	Canada, Telegram	October 5	Expresses Mr. Lloyd George's satisfaction at the appointment of Sir Robert Borden as Canadian representative.	201
286	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa, Telegram Canada,	October 5	Forwards message from Mr. Lloyd George for Prime Ministers communicating information conveyed in No. 284.	201
287	Ditto ...	Commonwealth of Australia, New Zealand, Telegram	October 5	States that His Majesty's Government presume that Dominion Governments will bear expenses of their own representative and staff at the Conference.	201
288	The Governor-General	Union of South Africa, Telegram	October 6 (Rec. Oct. 7)	Transmits message from General Smuts stating that the Union will not be specially represented at the Conference.	202
289	Ditto ...	New Zealand, Telegram	(Rec. Oct. 7)	Forwards message from Mr. Massey for Mr. Lloyd George stating that Prime Minister cannot attend the Conference, but the question of representation is under consideration, and requesting that Mr. E. O. Mousley may be attached to the British Secretariat to watch the interests of New Zealand.	203
290	The Prime Minister of the Commonwealth of Australia to the Prime Minister	Commonwealth of Australia, Telegram	October 7 (Rec. Oct. 7)	States that Senator G. F. Pearce will represent the Commonwealth on the British Empire Delegation; he will be accompanied by the four officials named.	203

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1921					
291	The Governor-General	New Zealand, Telegram	October 12 (Rec. Oct. 12)	Notifies the appointment of Sir John Salmond as New Zealand representative at the Conference, and states that New Zealand Government will defray expenses of their representative and staff.	203
292	Ditto	New Zealand, Telegram	(Rec. Oct. 12)	Forwards message from his Prime Minister for Mr. Lloyd George stating that Sir John Salmond has been appointed to represent New Zealand at the Conference.	203
293	Ditto	Commonwealth of Australia, Telegram Extract	October 18 (Rec. Oct. 18)	States that expenses of Australian representative and staff will be borne by the Commonwealth Government.	203
294	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Telegram	October 18	Sends provisional list of representatives on the British Empire Delegation.	204
295	The Governor-General	Canada, Telegram	October 18 (Rec. Oct. 18)	States that the Canadian Government will pay expenses of their representatives and staff in connexion with the British Empire Delegation.	204
296	Ditto	Union of South Africa, Telegram	October 19 (Rec. Oct. 19)	Forwards for personal information of Mr. Lloyd George message sent by Union Prime Minister to Mr. Meighen, Mr. Hughes, and Mr. Massey urging them, with a view to upholding Dominions status, to press for invitations to the Conference from the Government of the United States.	204
297	To the Governors-General	Canada, Commonwealth of Australia, New Zealand, Telegram	October 21	Forwards message from Mr. Lloyd George for Prime Ministers referring to General Smuts's message in No. 296, and suggesting that instead of raising now the question of direct invitation, full powers shall be issued for each Dominion representative to sign on behalf of his respective Dominion.	205
298	To the Governor-General	Union of South Africa, Telegram	October 21	Forwards message from Prime Minister for General Smuts communicating No. 297, and requesting his views.	206
299	The Governor-General	Commonwealth of Australia, Telegram	October 24 (Rec. Oct. 24)	Inquires whether it is proposed to give any document in the nature of a full power to the Dominion delegates at the Washington Conference, and if so, what is its form.	206
300	To the Governor-General	Commonwealth of Australia, Telegram	October 24	Refers, in reply to No. 299, to Prime Minister's message forwarded in No. 297.	206

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1921					
301	The Governor-General	New Zealand, Telegram	(Rec. Oct. 25)	Conveys, in reply to No. 297, message from his Prime Minister to Mr. Lloyd George emphasizing the point that the British Empire should speak with one voice at the Washington Conference, and suggesting that procedure as regards signature should follow that adopted at the Paris Conference.	207
302	Ditto;	Commonwealth of Australia, Telegram Secret	October 25 (Rec. Oct. 25)	Forwards message from Mr. Hughes to Mr. Lloyd George pointing out that the course proposed in No. 297, regarding General Smuts's views as to a direct invitation from the United States Government may create an inconvenient precedent.	207
303	Ditto	Canada, Telegram	October 25 (Rec. Oct. 25)	States that Privy Council Minute has been passed approving appointment of Sir Robert Borden as Canadian representative at the forthcoming Conference, and Mr. L. C. Christie as member of the Secretariat of the British Empire Delegation.	208
304	Ditto	Union of South Africa, Telegram	October 26 (Rec. Oct. 27)	Forwards message from General Smuts for Mr. Lloyd George agreeing to course proposed in No. 298, and stating that the Union does not desire representation at the Conference, but should an agreement be arrived at, steps could be taken for the adherence of South Africa.	208
305	Ditto	Canada, Telegram	October 27 (Rec. Oct. 28)	Forwards message from his Prime Minister for Mr. Lloyd George agreeing to procedure proposed in No. 297.	209
306	The Governor	Newfoundland, Telegram	October 29 (Rec. Oct. 30)	States that the Prime Minister has suggested that Newfoundland shall be represented unofficially at the forthcoming Conference.	209
307	The Governor-General	Canada, Telegram	October 31 (Rec. Nov. 1)	States that in accordance with terms of an Order in Council approved on 27th October, it is desired that Letters Patent may be issued appointing Sir R. Borden as Plenipotentiary for Canada at the forthcoming Conference.	209
308	Ditto	Commonwealth of Australia, Telegram	November 2 (Rec. Nov. 2)	Forwards, in reply to No. 297, message from Mr. Hughes for Mr. Lloyd George, stating that arrangements are being made for passing the necessary minute by the Federal Executive Council, and that terms of the minute will be telegraphed later.	210
309	Ditto	Commonwealth of Australia, Telegram	November 5 (Rec. Nov. 5)	States that an Order in Council was passed on 2nd November approving the issue of Letters Patent appointing the Honourable G. F. Pearce as Commonwealth representative at the Conference.	210

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1921					
310	To the Governor ...	Newfoundland, Telegram	November 5	States, in reply to No. 306, that His Majesty's Government are prepared to make any representations at Washington desired by Newfoundland Government, but they do not consider the occasion suitable to a visit unconnected with the business of the Conference.	210
311	The Governor-General	Union of South Africa, 720	November 2 (Rec. Nov. 22)	Transmits statement issued to the Press by General Smuts, relative to the representation of the Dominions at the Washington Conference.	211
312	Ditto ...	Commonwealth of Australia, Telegram	November 30 (Rec. Nov. 30)	Transmits, for communication to the United States President, congratulatory motion passed by the Senate of the Commonwealth Parliament regarding the Washington Conference.	212
313	To the Governor-General	Union of South Africa, Telegram	December 1	Transmits message for Prime Minister from Mr. Lloyd George urging the appointment of a Union Plenipotentiary at the Washington Conference.	213
314	The Governor-General	Commonwealth of Australia Telegram	December 2 (Rec. Dec. 2)	Conveys, at the instance of the Prime Minister, for communication to the United States Government, resolutions of the Commonwealth Senate, expressing appreciation at the convening of the Conference, calling attention to the importance to the Commonwealth of the questions to be discussed, and declaring that full support will be accorded if Senate considers any action indicated by the Conference conduces to attainment of objects of the Conference.	214
315	Ditto ...	Union of South Africa Telegram	December 7 (Rec. Dec. 7)	Transmits, in reply to No. 313, message from General Smuts to Mr. Lloyd George stating that the Government of the Union of South Africa will appoint Mr. Balfour as Plenipotentiary at the Washington Conference to sign the Disarmament Agreement.	215
316	Ditto ...	Union of South Africa, Telegram	December 9 (Rec. Dec. 10)	Quotes text of Order in Executive Council, dated 9th December, ordering that His Majesty be humbly moved to issue Letters Patent appointing the Right Honourable A. J. Balfour as Plenipotentiary in respect of the Union of South Africa in connexion with the Conference.	215
317	To the Governor-General	Union of South Africa, Telegram	December 10	Transmits message from the Prime Minister stating that in accordance with the terms of the Executive Council Minute of 9th December, the Union Plenipotentiary will be authorized to sign any treaty, agreement, etc., concluded at the Washington Conference.	216
318	The Governor-General	Union of South Africa Telegram	December 14 (Rec. Dec. 14)	Transmits message from Prime Minister agreeing that the position as stated in No. 317 is correct.	216

INTERNATIONAL ARRANGEMENTS AND TREATY RELATIONS.

POSITION OF THE SELF-GOVERNING DOMINIONS.

CORRESPONDENCE

1917-1920 (Nos. 147 to 150).
1921.

AALAND ISLANDS NEUTRALITY CONVENTION. (Treaty Series 1922, No. 6.)

69980

No. 1.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 5.45 p.m., 5th December, 1921.)

TELEGRAM.

[Answered by Nos. 2 and 3.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

5TH DECEMBER. Following on decision Council League Nations, 24th June, see League Document C. 203 M.124, 1921, Convention drawn up and signed Geneva, 20th October, by representatives of Governments concerned as to neutralization of Aaland Islands. Convention sets out fully limits of zone of Islands and defines territorial waters as extending for three marine miles from low water. Finland engages not to fortify Islands or to set up or maintain any base for war-like operations. Provisions inserted limiting number and size of warships of Finland and other Powers which may anchor in Islands in time of peace. Liberty of passage for warships through territorial waters permitted in accordance with international custom. In time of war zone to be treated as neutral, power being reserved to Finland, however, to lay mines in order to protect neutrality in case of war affecting Baltic.

Contracting Parties undertake (1) to invite Council League Nations to decide measures to be taken where necessary in order to enforce execution of Convention; (2) to join in measures necessary to give effect to Council's decision, Finland being empowered to act in the meantime if neutrality of zone threatened.

Text Convention sent to your Prime Minister, 22nd November,* and copy follows by mail. Secretary of State for Foreign Affairs thinks most desirable that His Majesty's ratification of Convention should be deposited as soon as possible.

Do your Ministers agree to ratification?—SECRETARY OF STATE FOR THE COLONIES.

60835

No. 2.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.0 a.m., 8th December, 1921.)

TELEGRAM.

8TH DECEMBER. Your telegram 6th December,† neutralization of Aaland Islands. Government of New Zealand agrees to ratification of Convention by His Majesty.—JELlicoe.

* 58771/S. See Foreign Office print Confidential 11803. The Convention was subsequently published in Treaty Series 1922, No. 6.

† No. 1.

No. 3.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.30 p.m., 17th December, 1921.)

TELEGRAM.

17TH DECEMBER. Your telegram 5th December.* My Ministers agree to His Majesty's ratification of Convention providing for neutralization of Aaland Islands.—ARTHUR FREDERICK.

AERIAL NAVIGATION CONVENTION.

(Treaty Series 1922, No. 2.)

4100

No. 4.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.0 p.m., 26th January, 1921.)

TELEGRAM.

[Answered by No. 7.]

26TH JANUARY. Your despatch 8th September, No. 570.† Article XXXIV, Air Convention, provides that first meeting International Commission on Air Navigation shall take place at Paris, and that this meeting shall be convened by French Government as soon as majority of signatory States have notified to it their ratifications of the Convention. Impossible to say when majority of signatory States will have notified their ratifications. From such information as is available as to attitude of United States and of Central and South American States, it appears possible that many of these countries may either withhold, or indefinitely postpone, their ratifications, and there are other signatory States, e.g., China and Poland, whose ratifications may be postponed in consequence of unsettled conditions prevailing. Feared, therefore, that there may be considerable delay in establishing Commission. His Majesty's Government are, however, anxious that His Majesty's ratification should be notified as soon as possible, and it is proposed that it should be notified simultaneously with those of France, Italy, Belgium: see my despatch 3rd September, Dominions No. 384,‡ which countries wish to notify their ratifications at early date. Other Dominions have agreed to His Majesty ratifying, and His Majesty's Government are most desirous that His Majesty's ratification should be notified on behalf of whole Empire.

Inferred from your despatch under reply that your Government would be prepared to let reservations touching technical annexes to Convention stand over pending discussion by International Commission, and that their main anxiety relates to the reservation regarding right of Canada to make special arrangement with United States notwithstanding that United States does not become party to Convention. Importance of this matter to Canada fully realized, and His Majesty's Government would suggest that His Majesty's ratification on behalf of Canada might be accompanied by reservation to effect that Article V is not to be regarded as affecting any reciprocal arrangements which Canada may make with the United States if that country does not become party to Convention permitting flight of United States' aircraft over Canadian territory pending the time when Canada shall have been able to obtain, under the Protocol, the necessary derogations from Article V. Should be glad to learn, as early as possible, whether your Government would be prepared to allow ratification on behalf of Canada to be notified if accompanied by reservation to above effect.

Ratification on behalf of rest of Empire will be postponed until 1st March, but not thought practicable to postpone it after that date.—MILNER.

* No. 1. † No. 36 in Dominions No. 75. ‡ No. 35 in Dominions No. 75.

No. 5.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 7.40 p.m., 23rd March, 1921.)

TELEGRAM.

[Answered by Nos. 9 and 12.]

23RD MARCH. My telegram of 26th January,* Air Navigation Convention. Understood that French and Belgian ratifications are now ready, and in the circumstances not proposed to wait for Italy but to proceed forthwith to ratification by His Majesty.

On further consideration, however, His Majesty's Government think it necessary that ratification by His Majesty should be accompanied by general reservation to the effect that pending consideration by International Commission for Air Navigation (to be set up in accordance with Article 34 of Convention) of applications put forward under Protocol of 4th June (see my despatch of 17th June, No. 371†) for derogations from Article 5, air communications between ratifying States on one hand and on the other hand those States which have signed Convention but have not yet ratified, and in addition Spain, Switzerland, Norway, Sweden, Denmark, Holland, Finland, and the other recognized Baltic States, should not be regarded as prohibited under Article 5. Understood that France and Belgium will make similar reservations.

Above reservation would, if your Ministers agree, replace reservation as regards Canada proposed in my telegram of 26th January. Should be grateful for expression of the views of Canadian Government before 31st March. In the absence of reply it would be assumed that Canada does not desire ratification at present on her behalf, and terms of His Majesty's ratification will be accordingly framed so as to exclude Canada.—SECRETARY OF STATE FOR THE COLONIES.

13149

No. 6.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 7.40 p.m., 23rd March, 1921.)

TELEGRAM.

[Answered by Nos. 10, 13 and 16.]

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

23RD MARCH. My telegram 16th April.‡ Ratification of Aerial Navigation Convention by His Majesty has been delayed mainly owing to fact that necessary legislation was not passed United Kingdom till end of last year (see my despatch of 19th January, Dominions No. 34§) and that France, Belgium, Italy (see my despatch 30th July||) have not been hitherto in position to deposit their ratifications. Now understood that French and Belgian ratifications are ready, and in the circumstances not proposed to wait for Italy but to proceed forthwith to ratification by His Majesty.

Thought necessary, however, that ratifications by His Majesty, and by other countries named, should be accompanied by reservation to effect that, pending consideration by International Commission for Air Navigation (to be set up in accordance with Article 34 of Convention) of applications put forward under Protocol of 4th June (see my despatch of 17th June¶) for derogations from Article 5, air communications between ratifying States on one hand, and on other hand those States

* No. 4. † No. 26 in Dominions No. 75. ‡ No. 11 in Dominions No. 75.

§ 2297: not printed; it enclosed a copy of the Air Navigation Act, 1920 (10 & 11 Geo. 5, Ch. 80).

|| Nos. 31 and 32 in Dominions No. 75. ¶ Nos. 27 and 28 in Dominions No. 75.

which have signed Convention but have not yet ratified, and in addition Spain, Switzerland, Norway, Sweden, Denmark, Holland, Finland, and the other recognized Baltic States should not be regarded as prohibited under Article 5.

Unless intimation to contrary received before 31st March it will be assumed that your Ministers see no objection to ratification by His Majesty subject to above reservation.

All Dominions except Canada have now agreed to ratification. Correspondence with Canada still proceeding as regards reservations referred to in my despatch of 1st September.*—SECRETARY OF STATE FOR THE COLONIES.

14308

No. 7.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th March, 1921.)

[Answered by No. 8.]

(No. 157.)

SIR,

Government House, Ottawa, 9th March, 1921.

WITH reference to Lord Milner's telegram of the 26th January,† I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada relative to the ratification of the International Convention for Air Navigation.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 7.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 4TH MARCH, 1921.

(P.C. 613.)

THE Committee of the Privy Council have had before them a report, dated 17th February, 1921, from the Secretary of State for External Affairs, to whom was referred a telegraphic despatch from the Right Honourable the Secretary of State for the Colonies, dated the 26th January, 1921, relative to the ratification of the International Convention for Air Navigation.

The Minister recommends, with the concurrence of the Minister of Militia and Defence, that the Canadian Government accept the proposals set forth in Lord Milner's despatch as satisfactory, and consent to ratification subject to a reservation to the effect that Article 5 is not to be regarded as affecting any reciprocal arrangements which Canada may desire to make with the United States, and on the understanding that reservations proposed by the Canadian Government relating to technical annexes shall be discussed by the International Commission on Air Navigation to be convened after the ratification of the Convention.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy of this minute to the Right Honourable the Secretary of State for the Colonies, and also to His Majesty's Ambassador at Washington.

All of which is respectfully submitted for approval.

G. G. KEZAR,

Assistant Clerk of the Privy Council.

* No. 34 in Dominions No. 75.

† No. 4.

14308

No. 8.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.40 p.m., 24th March, 1921.)

TELEGRAM.

[Answered by No. 9.]

24TH MARCH. Your despatch of 9th March, No. 157,* now received. His Majesty's Government glad to know that Canadian Government assent to ratification Air Convention subject to reservation proposed, and hope that terms of reservation to Article 5 set out in my telegram of 23rd March† will equally meet their wishes. I gather that your Ministers do not desire that understanding as to technical annexes should be mentioned in ratification. Telegraph reply.—SECRETARY OF STATE FOR THE COLONIES.

15440

No. 9.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.30 a.m., 31st March, 1921.)

TELEGRAM.

[Answered by No. 11.]

30TH MARCH. Your telegram 23rd March and your telegram 24th March,‡ Air Navigation Convention. Pending more definite information as to general situation as regards this Convention, Government of Canada would prefer to defer ratification.—DEVONSHIRE.

15439

No. 10.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.45 a.m., 31st March, 1921.)

TELEGRAM.

31ST MARCH. Your telegram 23rd March,§ ratification of Aerial Navigation Convention. Government of Commonwealth of Australia concurs in proposed action.—GOVERNOR-GENERAL.

16115

No. 11.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12 noon, 4th April, 1921.)

TELEGRAM.

[Answered by No. 12.]

4TH APRIL. Your telegram of 30th March.|| Ratification of Air Navigation Convention with reservation referred to in my telegram of 23rd March† being proceeded with forthwith on behalf of British Empire with exception of Canada. Understood that ratifications of France, Belgium, Portugal, Serbia, and Siam will be

* No. 7.

† No. 5.

‡ Nos. 5 and 8.

§ No. 6.

|| No. 9.

deposited Paris simultaneously with British ratification. Anticipated that ratifications of Italy, Greece, and Japan will be deposited very shortly thereafter, followed in due course by those of China and other States. As representation of Canada on International Commission Air Navigation, as soon as this body comes into existence, highly desirable, hoped that Canadian Government will revert to decision as regards ratification conveyed in your despatch of 9th of March, No. 157,* modifying reservation, if necessary, in regard to Article 5 in accordance with suggestion contained in my telegram of 23rd March.† Please telegraph reply.—
SECRETARY OF STATE FOR THE COLONIES.

16935

No. 12.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1 a.m., 8th April, 1921.)

TELEGRAM.

7TH APRIL. Your telegram 4th April,† International Air Navigation. Government of Canada agree to ratification as proposed in your telegram 23rd March,‡ subject to reservation of its complete freedom of action in relation to United States.—DEVONSHIRE.

18473

No. 13.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.53 p.m., 15th April, 1921.)

TELEGRAM.

[Answered by No. 14.]

15TH APRIL. Your telegram 23rd March,§ Aerial Navigation Convention. Ministers state that Local Air Bill is being drafted, and, acting on legal advice, Civil Air Board have thought it advisable to begin Bill with section giving Governor-General in Council powers to do all things necessary to ratify Convention on behalf of Union, and are printing main portions of Convention as schedule to Bill. Ministers desire to know by telegram whether request contained in my telegram 20th April|| has already been acted upon. If not, they would be glad if His Majesty's Government would defer ratifying Air Convention on behalf of Government of Union of South Africa until further notice.—ARTHUR FREDERICK.

18473

No. 14.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 19th April, 1921.)

TELEGRAM.

[Answered by No. 15.]

19TH APRIL. Your telegram of 15th April,¶ Ratification of Air Convention by His Majesty on behalf of whole of British Empire has been prepared and signed, and was to have been deposited Paris within next few days. Secretary of State for Foreign Affairs represents that it is most desirable to avoid alteration of instrument now. Suggest that proposed section in Union Bill should be worded so

* No. 7. † No. 11. ‡ No. 5. § No. 6. || No. 12 in Dominions No. 75. ¶ No. 13.

as to give Governor-General in Council powers to do all things necessary to bring Convention into effect on behalf of Union. If so, His Majesty's ratification could be deposited without further delay. Act of Commonwealth of Australia runs: "Governor-General may make regulations for purpose of carrying out and giving effect to the Convention."

Telegraph reply as soon as possible.—CHURCHILL.

19642

No. 15.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.10 p.m., 21st April, 1921.)

TELEGRAM.

21ST APRIL. Your telegram 19th April,* Air Convention. In the circumstances, Ministers see no objection to ratification being proceeded with. They will arrange for amendment of Union Air Bill accordingly.—ARTHUR FREDERICK.

21069

No. 16.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29th April, 1921.)

(No. 56.)

SIR,

Government House, St. John's, 9th April, 1921.

I HAVE the honour to acknowledge receipt of your telegram of the 23rd ultimo,† on the subject of the ratification of the Aerial Navigation Convention, and to observe that you will probably have assumed, on receiving no reply before the 31st ultimo, that my Ministers had no objection to the ratification of the Convention.

2. I now desire to say that my Ministers have definitely stated that, subject to the reservations set out in your telegram, they have no objection to offer to ratification of the Convention by His Majesty.

I have, &c.,

C. ALEXANDER HARRIS.

20244

No. 17.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

} Dominions No. 179.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 30th April, 1921.

With reference to my telegram of the 23rd March,‡ [To Canada, Commonwealth of Australia, and Union of South Africa: and connected correspondence], I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch to His Majesty's Ambassador at Paris relative to the deposit of the King's ratification of the International Air Convention.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 14.

† No. 6.

‡ Nos. 5 and 6.

Enclosure in No. 17.

(No. 1154.)

MY LORD,

Foreign Office, S.W.1, 22nd April, 1921.

I TRANSMIT to you herewith the King's ratification of the International Air Convention, which was signed at Paris on 13th October, 1919. I request that Your Lordship will arrange with the French Government and with your Belgian and Japanese colleagues for the simultaneous deposit of the British, French, Belgian, and Japanese ratifications at the earliest possible moment, and that you will inform me when this formality has been accomplished.

2. The deposit should be effected subject to the following reservations, which should be incorporated in the *procès-verbal* recording this act:—

(a) Pending consideration by the International Commission for Air Navigation to be set up in accordance with Article XXXIV of the Convention, of applications preferred under the terms of the Protocol for derogation from Article V of the Convention, air communication between the ratifying States on the one hand, and on the other, those States which have signed the Convention but have not yet ratified it, and also Spain, Switzerland, Norway, Sweden, Denmark, the Netherlands, Finland, and the other Baltic States to which recognition has been accorded, should not be regarded as prohibited by Article V of the Convention.

(b) Complete freedom of action is reserved in so far as the relations of the Dominion of Canada with the United States of America are concerned.

3. In the event of the French Government desiring to add Monaco to the countries specified in paragraph 2 (a), His Majesty's Government have no objection.

I am, &c.,

(For the Secretary of State).

24546

No. 18.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 19th May, 1921.)

(No. 117.)

SIR,

Governor-General's Office, Melbourne, 30th March, 1921.

REFERRING to Viscount Milner's despatch dated the 30th July, 1920, No. 289,* covering a copy of correspondence with the British Ambassador at Paris on the subject of the ratification of the Air Convention, and a copy of a note from the French Foreign Office requesting the views of the Commonwealth Government respecting the reservations of the United States and Canadian Governments to the Air Convention and Protocol, I have the honour, at the instance of my Prime Minister, to forward herewith a copy of a memorandum in regard to the matter submitted by the Commonwealth Controller of Civil Aviation, and approved by my Ministers.

I have, &c.,

FORSTER,
Governor-General.

Enclosure in No. 18.

(A.S. 715/5/66.)

INTERNATIONAL CONVENTION ON AERIAL NAVIGATION.

SECRETARY, AIR COUNCIL.

THE Government of the United States of America, when signing the Convention for the regulation of aerial navigation does so with three reservations, as follows:—

* No. 31 in Dominions No. 75.

(a) The United States expressly reserves to itself the right relative to Article III to permit its private aerial forces to fly over zones which may be prohibited to the private aerial forces of other Powers by the laws of the United States, notwithstanding any contrary clause in the said Article III.

(b) The United States reserves to itself complete liberty of action with regard to questions of Customs duty and does not consider itself bound by the clauses of Annex H or any other Article of the Convention concerning the operation of Customs laws.

(c) The United States reserves to itself the right to sign special Treaties, Conventions, or Agreements, concerning aerial navigation with the Dominion of Canada and any country whatever in the Western Hemisphere if such Dominion or country is not a party to the Convention.

2. As regards (a), I venture to suggest that the American contention is quite reasonable, that aircraft owned by its nationals should, under special circumstances, be permitted to fly over naval or military areas which are normally prohibited to State or alien aircraft, although the Convention by Article III specifies that no distinction must be made in this respect between the private State aircraft and the aircraft of other contracting nations. When the International Commission for Air Navigation commences to function and examine proposed modifications of the Convention, I recommend that the Australian representative should be instructed to support the American representative in any proposal to amend Article III in conformity with the terms of their reservation (a) above.

3. The Comptroller-General of the Department of Trade and Customs states, as regards the second United States of America reservation, that "seeing it is highly improbable that direct communication by air will be established (in the near future at any rate) between the Commonwealth and either the United States of America or Canada, it is quite immaterial, from a Departmental point of view whether the countries named conform to the provisions of Annex H or not." Although the Customs provisions contained in Annex H of the Convention have the force of law in Australia, no special regulations on the subject have been issued for reason that Article X gives full powers to the contracting States to legislate for the admission of goods to their territory by air similarly to entry by land or sea, and the Comptroller of Customs is desirous that there should be no overlapping in the regulations issued by the respective departments.

4. Reservation (c) does not affect us departmentally—but in this connexion it is of interest to remember that at the Peace Conference it was admitted, as a general principle, that whilst reservations were to be deprecated, if such were formulated and accorded to future adhering States, equal rights could be claimed by the previous signatories. If possible the text of any agreement between the United States of America and other States in the Western Hemisphere should be made available here in anticipation of the necessity arising of our entering into similar agreements with New Zealand or other countries.

5. The Canadian Government has submitted a list of nine reservations, as follows:—

(a) *Article V*.—That notwithstanding that the United States does not become a party to the Convention, Canada may make reciprocal arrangements with the United States permitting the flight of aircraft which would under the Convention be properly registerable.

(b) *Article V*.—That the registration of kites and fixed balloons need not be insisted upon.

(c) *Annex A*.—That neither the classification of aircraft nor the provisional form of registration certificate need be followed.

(d) *Annex D*.—That the irreconcilable provisions of paragraphs 5 and 10 need not be adopted.

(e) *Annex D*.—That the provisions of section 5 may be confined to aerodromes for the use of flying machines adapted to alight upon land.

(f) *Annex E*.—That the minimum qualifications specified may be waived or altered where they appear to be unreasonable, unduly dangerous, or unnecessary.

(g) *Annex F*.—That the marking of aerodromes specified in section II need not be prescribed.

(h) *Annex G*.—That the individual station weather reports specified in Appendix I need not be made more than twice a day.

(i) *Annex H*.—That the provisions of this Annex need not be followed.

With the exception of (a) and (i) these are somewhat trivial and would in no respect be incompatible with the essential provisions of the Aerial Convention.

With reference to (a), as the Government of the United States of America is now a signatory to the Convention the contingency envisaged cannot arise, and this reservation will no doubt be withdrawn.

As regards (i), this is a corresponding reservation to that of the American number (c), which has been discussed in paragraphs 3 and 4 above, and the same remarks apply to this instance.

H. C. BRINSMEAD,
Controller of Civil Aviation.

24th February, 1921.

24152

No. 19.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 21 and 30.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

} Dominions No. 210.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 21st May, 1921.

With reference to my despatch Dominions No. 179, of the 30th April,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of a note addressed to the French Minister for Foreign Affairs, and of his reply relative to the simultaneous deposit of the French, Belgian, Japanese, and British ratifications of the International Air Convention and Protocol.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure 1 in No. 19.

British Embassy, Paris, 23rd April, 1921.

MONSIEUR LE PRÉSIDENT DU CONSEIL,

I HAVE the honour to inform Your Excellency that I have received the ratification of His Majesty the King, my august Sovereign, of the International Air Convention, signed at Paris on 13th October, 1919.

I have received instructions from His Majesty's Principal Secretary of State for Foreign Affairs to approach Your Excellency with a view to the simultaneous deposit of the French, Belgian, Japanese, and British ratifications of this Convention at the earliest possible moment; and I should be greatly obliged if Your Excellency could indicate to me a convenient date for the accomplishment of this formality.

I am further to inform Your Excellency that His Majesty's Government desire the deposit of the King's ratification to be effected subject to the following reservations:—

"(a) Pending consideration by the International Commission for Air Navigation to be set up in accordance with Article XXXIV of the Convention, of applications preferred under the terms of the Protocol for derogations from Article V of the Convention, air communication between the ratifying States on the one hand, and on the other, those States which have signed the Convention, but have not yet ratified it, and also Spain, Switzerland, Norway, Sweden, Denmark, the Netherlands, Finland, and the other Baltic States to which recognition has been accorded, should not be regarded as prohibited by Article V of the Convention."

* No. 17.

"(b) Complete freedom of action is reserved in so far as the relations of the Dominion of Canada with the United States of America are concerned."

I shall therefore be glad if Your Excellency could arrange for these reservations on the part of His Majesty's Government to be incorporated in the *procès verbal* recording the deposit of ratifications.

Finally, I am to add that in the event of the French Government desiring to add Monaco to the countries specified in the above reservations under (a), His Majesty's Government have no objection to this being done.

A copy of this note has been communicated to the Belgian and Japanese Ambassadors in this capital for their information.

I have, &c.,
HARDINGE OF PENSURST.

Enclosuré 2 in No. 19.

RÉPUBLIQUE FRANÇAISE.

Ministère des Affaires Etrangères,

Paris, le 9 Mai, 1921.

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de vous accuser réception de votre lettre du 23 Avril, 1921.

Je partage entièrement le désir du Gouvernement Britannique de fixer à une date aussi proche que possible le premier dépôt des ratifications sur la Convention aérienne signée à Paris le 13 Octobre, 1919, ainsi que sur le Protocole additionnel.

En outre des ratifications belge et japonaise dont vous m'annoncez le dépôt probable, les Gouvernements portugais, serbe-croate-slovene et siamois m'ont fait connaître qu'ils étaient prêts à participer également au premier dépôt.

Je suis parfaitement d'accord avec Votre Excellence pour insérer dans le *procès verbal* de dépôt, en dehors de la réserve spéciale au Canada, une formule déclarant que le trafic aérien entre les Etats déposant leurs ratifications d'une part et les Etats signataires de la Convention qui ne l'ont pas encore ratifiée, ainsi que l'Espagne, la Suisse, la Norvège, la Suède, le Danemark, la Hollande, le Finlande et les autres Etats baltiques reconnus d'autre part, ne sera pas, jusqu'à l'examen par la Commission Internationale de Navigation Aérienne des demandes de dérogations présentées par les divers Etats contractants, considéré comme interdit par l'article V de la Convention.

Je serais désireux de voir inclure dans la liste ci-dessus Monaco et je vous remercie de l'adhésion que vous me donnez par avance.

J'ai pris bonne note que Votre Excellence a fait parvenir à titre d'information, aux Ambassadeurs de Belgique et du Japon à Paris une copie de sa lettre en date du 23 Avril. Je me propose cependant de communiquer officiellement à ces Ambassadeurs, ainsi qu'aux Légations du Portugal, de l'Etat Serbe-Croate-Slovene et du Siam, le texte de la réserve à insérer au *Procès-Verbal*, en leur demandant si leurs Gouvernements l'acceptent et ne désirent pas y voir figurer d'autres Etats parmi les pays non-signataires de la Convention avec lesquels le trafic aérien sera provisoirement autorisé.

Dès que j'aurai reçu réponse à ces diverses communications je préparerai le *procès-verbal* de dépôt et vous le communiquerai.

Je crois que l'on pourrait dès à présent fixer ce dépôt à la deuxième quinzaine du mois de mai.

En ce qui concerne la réserve relative au Canada, je comprends qu'elle remplace les réserves formulées par le délégué du Canada au moment de la signature de la Convention et du Protocole additionnel.

Agréé, etc.,
Pour le Ministre et par autorisation,
P. DE FOUQUIÈRES.

Son Excellence
Lord Hardinge of Penshurst.

32972

No. 20.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1st July, 1921.)

TELEGRAM.

29TH JUNE. Your despatch 30th July last, No. 306.* Having no expert information on which they could form opinion, Ministers caused inquiry to be made by Colonel Sir Pierre Van Ryneveld, of Air Ministry, as to the purport and bearing of reservations to International Air Convention made by United States of America and Dominion of Canada. He was informed, up to 7th January Air Ministry had not decided on attitude with regard to these reservations. Ministers have not been apprised of reasons underlying reservations, and without better information are unable to express opinion on points to which Government of France drew attention in notes dated 26th June and 3rd July, 1920.† Suggested that Ministers in London should take opportunity of discussing question with Air Ministry. Telegram sent to General Smuts to this effect. Given this information to enable them to formulate their views, and the advice of His Majesty's Government to which they attach greatest importance, Ministers hope, if possible, to be able to adopt Imperial attitude on points at issue.—ARTHUR FREDERICK.

33194

No. 21.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3rd July, 1921.)

(No. 388.)

SIR, Government House, Ottawa, 21st June, 1921.

With reference to your despatch Dominions No. 210, of the 21st May,‡ on the subject of the Convention regarding International Air Navigation, I have the honour to inform you that the inference drawn by the French Ministry of Foreign Affairs indicated in the last paragraph but one of the letter addressed to His Majesty's Ambassador at Paris, dated 9th May, 1921,§ is correct, in the sense that the reservations formulated at the time of the signature to the Convention, other than that mentioned in His Majesty's Ambassador's letter of the 23rd April,|| being of a purely technical character and relating to provisions of the Convention of which the amendment lies with the International Commission which will presently meet, were not considered to require a refusal on the part of Canada to ratify the Convention and so prevent Canadian representatives taking part in the deliberations of the International Commission. These other reservations are, however, considered to be of substantial importance, and action to meet the objection to the terms of the Convention as it stands will be urged upon the Commission at its first meeting.

In the meantime, it is not proposed to alter the existing Canadian Air Regulations, which have been in force for about eighteen months and, in dealing with the subjects referred to in the reservations, do not follow the terms of the Convention.

I have, &c.,

DEVONSHIRE.

* No. 31 in Dominions No. 75. † Enclosures in Nos. 30 and 31 in Dominions No. 75. ‡ No. 19.

§ Enclosure 2 in No. 19. || Enclosure 1 in No. 19.

38296

No. 22.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.20 p.m., 8th August, 1921.)

TELEGRAM.

[Answered by Nos. 24, 25, 26 and 27.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

8TH AUGUST. Referring to my despatch of 21st May, Dominions No. 210,* from information received by Air Ministry it appears that Japanese Government have demurred to use of word "reservation" in deposit of ratifications of Air Convention, and that French Government support this view and will suggest instead that there should be inserted in *procès verbal* a declaration stating that signatories waive in favour of signatory States which have not yet deposited ratifications and other States referred to in enclosure in my despatch application of Article V of Convention pending consideration of applications for derogations. Text of proposed declaration not yet received from French Government, and will be communicated later, but in the meantime should be glad to know whether your Ministers see any objection in principle to substitution of declaration on above lines for proposed reservations. Stipulation would be added dealing with special position of Canada in relation to United States.—SECRETARY OF STATE FOR THE COLONIES.

38296

No. 23.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada. No. 434.)

(Commonwealth of Australia. No. 307.)

(New Zealand. No. 152.)

(Union of South Africa. No. 280.)

[My LORD.] [SIR,]

Downing Street, 15th August, 1921.

With reference to my telegram of the 8th of August,† I have the honour to transmit to [Your Excellency] [Your Royal Highness] for the information of your Ministers, a copy of an aide memoire‡ prepared in the French Foreign Office and communicated to the Air Ministry, relative to the ratification of the International Air Convention.

[2. To Canada only. It was assumed by the Air Ministry that the penultimate paragraph of Section 4 of this Memorandum contained an error in drafting, since it was not stated that the proposed stipulation with regard to the special position of Canada had reference to the relations of the Dominion with the United States, and the last sentence of my telegram was framed accordingly. From information obtained since my telegram was sent, it appears doubtful whether that assumption was correct, but no official communication on the subject has yet been received from the French Government.]

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 23.

EXTRACT FROM AIDE MEMOIRE.

Le texte de cette déclaration à insérer dans le Procès-Verbal de dépôt serait le suivant :

"Les soussignés ont déclaré, au nom de leurs Gouvernements respectifs renoncer, au profit des Etats signataires qui n'ont pas encore déposé leurs ratifications ainsi qu'au profit de l'Espagne, la Suisse, la Norvège, la Suède, les Pays-Bas, le

* No. 19. † No. 22. ‡ Extract only printed.

Danemark, la Finlande, l'Esthonie, la Lettonie, Monaco . . . à l'application de l'article 5 de la Convention, tant que la Commission internationale de navigation aérienne ne sera pas en mesure d'examiner les demandes de dérogations prévues au Protocole additionnel à ladite Convention."

Si tous les soussignés n'acceptent pas ladite déclaration les deux premiers mots seront remplacés par :

"Les représentants de la Grande-Bretagne, de la France, de la Belgique, de . . . ont déclaré . . ."

Un paragraphe dudit Procès-Verbal stipulerait en outre que la ratification de la Convention par le Gouvernement britannique ne lie en rien le Canada.

41331

No. 24.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.22 p.m., 17th August, 1921.)

TELEGRAM.

17TH AUGUST. Your telegram 8th August,* Air Convention. My Government see no objection in principle to suggested substitution of declaration for word "reservation."—JELlicoe.

42893

No. 25.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.0 a.m., 26th August, 1921.)

TELEGRAM.

25TH AUGUST. Your telegram 8th August,* Air Convention. My Ministers see no objection in principle to substitution of declaration on proposed lines for reservation formerly contemplated.—Byng.

43063

No. 26.

UNION OF SOUTH AFRICA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.47 p.m., 26th August, 1921.)

TELEGRAM.

26TH AUGUST. Your telegram 8th August,* Air Convention. Ministers see no objection in principle to substitution for proposed reservation declaration on lines suggested.—Innes.

43233

No. 27.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.6 a.m., 29th August, 1921.)

TELEGRAM.

29TH AUGUST. Your telegram 8th August,* ratification of Air Convention. Government of Commonwealth of Australia has no objection to substitution of a declaration on same lines in lieu of proposed reservation.—GOVERNOR-GENERAL.

* No. 22.

45068

No. 28.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 365.)

(New Zealand. No. 177.)

(Union of South Africa. No. 304.)

[My Lord,] [Sir,]

Downing Street, 12th September, 1921.

With reference to my despatch No. [307] [152] [280] of the 15th August,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] to be laid before your Ministers, copies of two notes† from the French Ministry for Foreign Affairs relative to the ratification of the International Air Convention.

I have, &c.,

WINSTON S. CHURCHILL.

45068

No. 29.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 496.)

My Lord,

Downing Street, 12th September, 1921.

With reference to my despatch No. 434, of the 15th August,* I have the honour to transmit to Your Excellency, for the consideration of your Ministers, copies of two Notes from the French Ministry of Foreign Affairs relative to the ratification of the International Air Convention.

2. I should be glad to be informed of the views of your Government, by telegram, on the representations made in these Notes with regard to the special position of Canada.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 29.

République Française,

MONSIEUR L'AMBASSADEUR,

Paris, le 12 Août, 1921.

PAR votre lettre en date du 21 Juillet 1921, Votre Excellence a bien voulu me faire savoir que le Gouvernement britannique désire que la Convention aérienne entre en vigueur à une date aussi rapprochée que possible.

Je partage entièrement sur ce point la manière de voir du Gouvernement britannique. Aussi ai-je, sans retard, officiellement communiqué en mai dernier aux Ambassadeurs de Belgique et du Japon à Paris, ainsi qu'aux Ministres du Portugal, de l'Etat Serbe-Croate-Slovène et du Siam le texte, relatif aux dérogations provisoires à l'article V de la Convention, à insérer dans le Procès-Verbal de dépôt des ratifications.

Les Gouvernements du Portugal et de l'Etat serbe-croate-slovène ne m'ont pas encore répondu.

M. l'Ambassadeur du Japon m'a fait savoir que son Gouvernement était prêt à participer au premier dépôt des ratifications de la Convention à condition que le mot "réserve" ne figurait pas dans le Procès-Verbal.

M. l'Ambassadeur de Belgique m'a notifié que le Gouvernement belge partageait les vues de nos Gouvernements et M. le Ministre du Siam m'a fait une déclaration analogue.

* No. 23. † Enclosures in No. 29.

Ce texte, dont le principe a été adopté par les Gouvernements britannique, français, japonais, belge, et siamois pourrait donc être inséré dans le Procès-Verbal de dépôt des ratifications non comme une réserve,—et en cela je partage entièrement l'opinion du Gouvernement japonais—mais sous la forme de déclaration à laquelle souscriront certainement tous les Etats participant au premier dépôt des ratifications.

Le texte de cette déclaration serait le suivant :

“ Les soussignés, Représentants de la Belgique, l'Empire Britannique, la France, le Japon, le Siam dûment autorisés, ont déclaré que leurs Gouvernements respectifs sont d'accord pour appliquer, aux Etats signataires qui n'ont pas encore déposé leurs ratifications ainsi qu'à l'Espagne, la Suisse, la Norvège, la Suède, les Pays-Bas, le Danemark, la Finlande, l'Esthonie, la Lettonie, Monaco les dispositions de l'Article V de la Convention seulement lorsque la Commission internationale de navigation aérienne sera en mesure d'examiner les demandes de dérogations prévues au Protocole additionnel à ladite Convention.”

Je vous prierai de vouloir bien me donner votre agrément à cette formule.

En ce qui concerne la réserve que votre Gouvernement proposait d'insérer au Procès-Verbal au sujet des relations du Canada et des Etats-Unis, je crains que cette insertion ne porte gravement atteinte à la Convention. S'il est dès maintenant admis qu'un Etat contractant puisse en ratifiant garder “sa complète liberté d'action” vis-à-vis d'un autre Etat contractant ou non contractant, la Convention, réglementation internationale, perdra en grande partie sa valeur.

Je crois devoir vous rappeler que la signature *sous réserves* de la Convention et du Protocole additionnel par les représentants du Canada et des Etats-Unis n'a pas été admise, qu'une déclaration formulant des réserves a cependant été remise par ces deux pays et qu'à ce propos la Conférence des Ambassadeurs, dans sa séance du 10 Septembre, 1920, a décidé par sa résolution C.A. 72 VII :

“ que la question de l'examen des réserves formulées par les Etats-Unis et le Canada relativement à certaines stipulations de la Convention aérienne du 13 Octobre, 1919, et du Protocole additionnel du 1er Mai 1920 sera réservée pour être étudiée par la Commission internationale de navigation aérienne prévue à l'article 34 de ladite Convention.”

Aussi j'espère qu'il apparaîtra au Gouvernement de Sa Majesté que si le Canada désire maintenir sa réserve, le dépôt des ratifications pour ce pays pourrait être différé jusqu'à ce que la Commission internationale de navigation aérienne soit en mesure d'émettre un avis sur cette question.

Il me semble au surplus que les stipulations de l'article 36 de cette Convention, du Protocole additionnel du 1er Mai 1920 et de la déclaration à insérer dans le Procès-Verbal de dépôt donnent déjà, dans toute la mesure du possible, une grande liberté d'action aux Etats désireux de ratifier dès maintenant la Convention.

Dès que votre réponse me sera parvenue, je ne manquerai pas de vous soumettre, ainsi qu'à tous les intéressés, l'épreuve du Procès-Verbal du premier dépôt des ratifications qui pourrait être fixé au vingt août prochain.

Veuillez agréer, &c.,

(Pour le Ministre),
P. DE FOUQUIÈRES.

Enclosure 2 in No. 29.

République Française,
Paris, le 31 Août, 1921.

MONSIEUR L'AMBASSADEUR,

PAR ma lettre en date du 12 Août, 1921, j'ai eu l'honneur de soumettre à Votre Excellence un projet de déclaration à insérer dans le premier Procès-Verbal de dépôt des Ratifications de la Convention aérienne, qui était ainsi rédigée :

“ Les soussignés, Représentants de la Belgique, l'Empire Britannique, la France le Japon, Le Siam. dûment autorisés, ont déclaré que leurs Gouvernements respectifs sont d'accord pour appliquer, aux Etats signataires qui n'ont pas encore déposé leurs ratifications ainsi qu'à l'Espagne, la Suisse, la Norvège, la Suède, les Pays-Bas, le Danemark, la Finlande, l'Esthonie, la Lettonie, Monaco les dispositions de l'article V de la Convention seulement lorsque la Commission internationale de navigation aérienne sera en mesure d'examiner les demandes de dérogations prévues au Protocole additionnel à ladite Convention.”

Je vous informais en outre des difficultés que me paraissait devoir faire surgir la réserve que le Canada demandait à formuler.

Après avoir examiné à nouveau la question, je viens vous proposer de remplacer dans la déclaration ci-dessus les mots “sont d'accord pour appliquer aux” par les mots : “pourront appliquer aux”

Cette nouvelle rédaction donnerait aux signataires de la déclaration la faculté de surseoir à l'application de l'article V jusqu'à l'institution de la Commission Internationale de navigation aérienne, toute en leur laissant toute latitude pour appliquer immédiatement ledit article dans les cas où ils jugeraient pas à propos d'accorder de dérogation provisoire aux termes de la Convention.

Le Canada aurait ainsi toute liberté, en ce qui concerne ses relations aériennes avec les Etats-Unis, soit d'appliquer purement et simplement la Convention, soit de surseoir à l'application de l'article V jusqu'à ce que la procédure prévue par le Protocole additionnel du 1er Mars 1920 puisse être suivie. Dans ces conditions, le Gouvernement canadien pourrait peut-être renoncer à l'insertion d'une réserve particulière.

Je vous serais obligé d'examiner à nouveau ma proposition et me faire savoir dès que possible si je puis soumettre la déclaration, modifiée suivant les termes de cette lettre, aux divers Etats qui participeront au premier dépôt des ratifications sur la Convention aérienne.

Veuillez agréer, &c.,

Pour le Ministre,
(Illisible).

Son Excellence,

Lord Hardinge of Penshurst,
Ambassadeur de Sa Majesté Britannique.

45805

No. 30.

UNION OF SOUTH AFRICA.

THE DEPUTY GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 13th September, 1921.)

(No. 614.)

SIR,

Governor-General's Office, Pretoria, 23rd August, 1921.

I HAVE the honour to transmit to you herewith, with reference to my telegram of 29th June, 1921,* my despatch No. 483 of 30th June† and to your despatch Dominions No. 210 of 21st May, 1921,‡ copy of a Minute from Ministers on the subject of the reservations to the International Air Convention made by the United States of America and the Dominion of Canada.

I have, &c.,

J. ROSE INNES,
Deputy for the Governor-General.

Enclosure in No. 30.

MINUTE No. 854.

Prime Minister's Office, 19th August, 1921.

MINISTERS have the honour to refer His Royal Highness the Governor-General to their Minute No. 668 of 28th June, 1921, on the subject of the reservations to the International Air Convention made by the United States of America and the Dominion of Canada, and to state that they understand from inquiries made by South African Ministers in London that the observations of the Union Government on these reservations are no longer required, the Canadian reservations having been withdrawn in favour of a general reservation made by the British Empire as a whole in terms of enclosure No. 1 to the despatch, dated 21st May, of the Right Honourable the Secretary of State for the Colonies which accompanied His Royal Highness's Minute No. 3/3627 of 15th June last.

F. S. MALAN.

* No. 20. † 35946: not printed; (despatch confirming No. 20. ‡ No. 19.

46656

No. 31.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.40 p.m., 20th September, 1921.)

TELEGRAM.

[Answered by No. 36.]

20TH SEPTEMBER. Referring to my despatch 12th September, No. 496,* Air Convention. As formula for Declaration suggested by French Government does not appear to carry out intention expressed in latter part of their note of 31st August, Air Council suggest following Clause in substitution:—*Begins:* The undersigned, the representatives of Belgium, British Empire, France, Greece, Japan, Portugal, Serb-Croat-Slovene State, and Siam, duly authorized, have declared that until there has been an opportunity of obtaining grant of derogations under additional protocol to Convention, their respective Governments may postpone application of Article 5 of Convention in respect of Signatory States which have not yet ratified and in respect of Spain, Switzerland, Norway, Sweden, the Netherlands, Denmark, Finland, Esthonia, Latvia and Monaco. *Ends.*

Despatch† follows by mail.—SECRETARY OF STATE FOR THE COLONIES.

46656

No. 32.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 509.)

MY LORD,

Downing Street, 21st September, 1921.

WITH reference to my despatch No. 496 of the 12th September and to my telegram of the 20th September,‡ regarding the International Air Convention, I have the honour to request Your Excellency to inform your Ministers that it appeared to the Air Council that the formula for the Declaration relating to Article 5 of the Convention proposed in the Note from the French Ministry for Foreign Affairs of the 31st August, of which a copy was enclosed in my despatch under reference, would not in fact carry out the intention expressed in the latter part of the Note. So far from giving the signatories of the Declaration the option of postponing the application of Article 5 until the institution of the International Commission for Air Navigation, its effect would appear to be to prohibit them during this preliminary period from applying the Article in respect of the States signatory to the Convention which had not yet ratified and the other States mentioned by name, and at the same time to leave some doubt whether there would be any obligation to apply the Article after the preliminary period.

2. In these circumstances the Air Council have proposed that it should be suggested to the French Government that the Declaration should be redrafted on the lines which were communicated to you in my telegram of the 20th September, of which a copy is enclosed herewith. I should be glad to receive at an early date the observations of your Ministers on the draft Declaration proposed by the Air Council.

3. As regards the question of the relations of Canada and the United States of America, I may add that there is some reason to fear that if special treatment is demanded for Canada a number of similar demands may be made resulting in further delay and inconvenience in the ratification of the Convention. There is in fact little probability of Canada failing to obtain recognition under the Protocol of her special position in relation to the United States, and the Air Council hope therefore that your Ministers will consider whether the form of general Declaration now proposed will not be sufficient to protect the position of the Dominion. Should your Government, however, after full consideration, find themselves unable to take this view it would be of great assistance to the Air Council if Ministers would furnish a comprehensive statement of their views.

I have, &c.,

WINSTON S. CHURCHILL.

55652

No. 33.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th November, 1921.)

[Answered by No. 35.]

(No. 702.)

SIR,

Governor-General's Office, Pretoria, 18th October, 1921.

I HAVE the honour to transmit to you herewith copy of a Minute from Ministers on the subject of the representation of the Union of South Africa on the International Commission for Air Navigation.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 33.

MINUTE No. 1013.

Prime Minister's Office, Pretoria, 14th October, 1921.

MINISTERS have the honour to state that, the International Convention for the regulation of aerial navigation having been ratified, they understand that action will shortly be taken to bring into being the International Commission for Air Navigation, provided for in Article 34 of the Convention.

It is not possible at present to send a representative from South Africa to take part in the work of the Commission, and Ministers have the honour to suggest that His Royal Highness the Governor-General may be so good as to make representations to His Majesty's Imperial Government with a view to the representative for Great Britain acting as the Union Government's representative on the Commission and exercising on behalf of the Union of South Africa the voting powers to which the Union is entitled under the Convention.

In ordinary circumstances the interests of the Union of South Africa on the Commission should not differ from those of Great Britain and most other portions of the British Empire, but should points of difference arise or should the geographical situation and peculiar circumstances of South Africa call for special consideration and perhaps different treatment, the questions at issue could be referred to the High Commissioner for the Union of South Africa in London, who, if necessary, could refer them to Ministers in South Africa for instruction or advice.

J. C. SMUTS.

56209

No. 34.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 15th November, 1921.)

TELEGRAM.

[Answered by No. 36.]

15TH NOVEMBER. My telegram 20th September,* my despatch 21st September, No. 509,† Air Convention. Understood that a number of States now in a position to deposit ratifications and Air Council fear that if further delay takes place responsibility will be attributed to United Kingdom. Air Council particularly deprecate this in view of activity of United Kingdom earlier in the year in urging other States to deposit their ratifications. Air Council further apprehensive lest if sufficient number of States ratify International Air Commission might be set up without inclusion of British representatives. For these reasons and others connected with position as regards domestic legislation Air Council most anxious for early ratification of Convention. In these circumstances should be grateful for earliest possible intimation of views of your Ministers. Telegraph reply.—SECRETARY OF STATE FOR THE COLONIES.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 396.)

SIR, Downing Street, 6th December, 1921.
In reply to Your Royal Highness's despatch No. 702, of the 18th October,* I have the honour to request you to inform your Ministers that when the International Commission for Air Navigation is set up, the Air Council will be pleased to instruct the representative of Great Britain to act also on behalf of the Union of South Africa, it being understood that the High Commissioner in London will be kept in close touch, and his advice sought on any question in which the interests of the Union may be involved.

2. In this connexion, I would observe that it has unfortunately not yet been possible to deposit His Majesty's ratification of the International Air Convention in consequence of the difficulties raised by the French Government (see my despatch No. 304, of the 12th September†) in relation to the declaration which it is proposed that His Majesty's Ambassador should make at the time of deposit regarding applications for derogations from Article V, and the special position of Canada in relation to the United States.

I have, &c.,
WINSTON S. CHURCHILL.

63170

No. 36.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.35 p.m., 20th December, 1921.)

TELEGRAM.

20TH DECEMBER. Your telegram 15th November,‡ Air Convention. Minute of Council approved 17th December stated that my Ministers approve terms of declaration (see your telegram 20th September§) which it is proposed to insert in Protocol of deposit of ratification, and have no objection to ratification of Treaty by His Majesty the King as proposed. Despatch follows by mail.—BYNG.

63170

No. 37.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.30 p.m., 24th December, 1921.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

24TH DECEMBER. Referring to my despatch of 12th September,† Air Convention. As formula for declaration suggested by French Government did not appear to carry out intention expressed in latter part of their note 31st August, Air Council drew up following clause in substitution: *Begins:* The undersigned, the representatives of Belgium, British Empire, France, Greece, Japan, Portugal, Serb-Croat-Slovene State, and Siam, duly authorized, have declared that until there has been an opportunity of obtaining grant of derogations under additional Protocol to Convention, their respective Governments may postpone application of Article 5 of Convention in respect of Signatory States which have not yet ratified and in respect of Spain, Switzerland, Norway, Sweden, the Netherlands, Denmark, Finland, Estonia, Latvia and Monaco. *Ends.*

* No. 33. † No. 28. ‡ No. 34. § No. 31.

This clause was first referred to Government of Canada in view of special position of Dominion in relation to United States. Canadian Government have now concurred. Air Council anxious to submit redraft to French Government as soon as possible and would like to be in a position to say that all Dominions have agreed to it. Should be glad to learn by telegraph that your Ministers agree to signature of declaration in amended form.—SECRETARY OF STATE FOR THE COLONIES.

63170

No. 38.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.30 p.m., 24th December, 1921.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

24TH DECEMBER. My telegram of 24th December,* Air Convention, sent also to [New Zealand and Union of South Africa] [Australia and Union of South Africa] [New Zealand and Australia]. Hoped that in view of [your telegram of 29th August†] [your telegram of 17th August‡] [your telegram of 26th August§] [Commonwealth Government] [New Zealand Government] [Union Government] will agree.—SECRETARY OF STATE FOR THE COLONIES.

ANTARCTIC.
Future Control.

25953/S

No. 39.

ADMIRALTY TO COLONIAL OFFICE.

(Received 25th May, 1921.)

(Secret.)

SIR, Admiralty, 23rd May, 1921.
I AM commanded by My Lords Commissioners of the Admiralty to refer to your letter of the 26th ultimo,|| forwarding a copy of a memorandum on the control of the Antarctic, and of correspondence relative thereto. My Lords would observe, in connexion with the remarks on the work of Wilkes and d'Urville, contained in paragraph (2) at the bottom of page 2 of that memorandum, that Wilkes undoubtedly saw land at one point, approximately 66° 30' south, 140° east, but that this land was identical with that seen and formally taken possession of by d'Urville a few days previously.

They are of opinion that no ground exists upon which any nation could reasonably claim to oppose the proposed Order in Council constituting the Ross Sea and its coasts part of the Dominion of New Zealand, but that the proposed Order in Council relating to territories lying south of 60° south, and between 89° and 160° east could hardly fail to meet with considerable opposition on the part of the French Government. They would point out that in April, 1912, in a letter addressed to the British Ambassador in Paris, the French Government stated in a most categorical manner that France had no intention whatever of renouncing her rights over Adeline Land.¶

I am, &c.,
CHARLES WALKER.

¶ Note.—The despatch containing this letter is printed below.

* No. 37. † No. 27. ‡ No. 24. § No. 26. || Not printed: it enclosed copies of Dominions No. 78 and despatches forwarding it to the Dominion Governments.

(No. 180.)

SIR,

Paris, 19th April, 1912.

I HAVE the honour to transmit to you, herewith, a copy of a communication from the French Minister for Foreign Affairs in reply to an inquiry which, in accordance with the instructions contained in your despatch No. 119 (9308/12) of the 9th ultimo, I addressed to His Excellency as to whether the French Government lay claim to Wilkes Land.

Monsieur Poincaré states that these lands were taken possession of in the name of France in 1840, and that the Government of the Republic has no intention of renouncing its rights over them.

I have, &c.,

FRANCIS BERTIE.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,

&c.,

&c.,

&c.

MONSIEUR POINCARÉ to SIR F. BERTIE.

16th April, 1912.

PAR une Note du 20 décembre dernier, Votre Excellence a bien voulu exprimer à Monsieur de Selves le désir de savoir si le gouvernement de la République revendiquait pour la France la souveraineté de la partie du continent antarctique connue sous le nom de "Terre Adélie" ou "Terre de Wilkes."

J'ai l'honneur de vous faire connaître que le commandant Dumont d'Urville a pris possession de cette terre au nom de la France, le 2 janvier 1840 dans les formes usitées à l'époque. Publication en a été faite à diverses reprises notamment :

1°. Dans le Sidney Herald du 13 mars 1840.

2°. Dans le Moniteur.

3°. Dans les Annales maritimes et coloniales 25ème année, 2ème série 1840, tome II, p. 860; 25ème année, 2ème série 1841, tome I, p. 915-917.

4°. Dans le "Voyage au Pôle Sud et dans l'Océanie sur les corvettes "l'Astrolabe" et la "Zélée," exécuté par ordre du Roi en 1837, 1838, 1839, 1840, sous le commandement de Monsieur J. Dumont d'Urville, capitaine de vaisseau, publié par ordonnance du Roi (C. V. Ch. XV, t. I, 2ème partie p. 140 et suivantes et notes 112 à 132 p. 324 du même volume.)

Tome X (pièces justificatives) p. 181; tome VIII, ch. LXI.

J'ajoute que le gouvernement de la République n'a pas l'intention de renoncer aux droits que la France a acquis sur les terres dont il s'agit. Monsieur le Ministre des Colonies examine actuellement s'il serait utile d'y installer un dépôt de vivres pour les marins naufragés.

Agréez, &c.,

R. POINCARÉ.

ARBITRATION AGREEMENTS.

Denmark.

(Treaty series 1916, No. 3.)

6354

No. 40.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th February, 1921.)

(No. 201.)

MY LORD,

Government House, Wellington, 17th December, 1920.

I HAVE the honour to acknowledge the receipt of Your Lordship's despatch, Dominions No. 432, of the 9th October,* intimating that the period of validity of

* No. 45 in Dominions No. 75.

the Arbitration Convention concluded with Denmark on 25th October, 1905, will expire on the 4th of May, 1921, unless it is renewed on or before that date.

2. The proposal of the Imperial Government to renew the Agreement in due course is quite in harmony with the views of the Government of New Zealand.

I have, &c.,

JELlicoe,
Governor-General.

14779

No. 41.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.53 p.m., 26th March, 1921.)

TELEGRAM.

26TH MARCH. Your despatch 9th October, Dominions No. 432,* Arbitration Convention with Denmark. Ministers state that proposal to renew Convention on its expiry in due course is in harmony with their views.—ARTHUR FREDERICK.

20319

No. 42.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.45 a.m. 26th April, 1921.)

TELEGRAM.

25TH APRIL. Your telegram 22nd April,† Arbitration Convention with Denmark. Government of Canada has no objection to proposed renewal of this agreement for further period of five years.—DEVONSHIRE.

25353

No. 43.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.27 a.m., 23rd May, 1921.)

TELEGRAM.

23RD MAY. Your telegram 21st March,‡ Arbitration Denmark. Government of Commonwealth of Australia has no objection to renewal.—GOVERNOR-GENERAL.

Switzerland.

(Treaty series 1915, No. 3.)

36095

No. 44.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th July, 1921.)

(No. 187.)

SIR,

Governor-General's Office, Melbourne, 26th May, 1921.

REFERRING to Colonial Office despatch dated 10th January, 1920, Dominions No. 14,§ covering a copy of correspondence between the Secretary of State for

* No. 45 in Dominions No. 75. † 17983: not printed; it asked for reply to No. 45 in Dominions No. 75. ‡ 18481: not printed; it asked for reply to No. 45 in Dominions No. 75.

§ No. 66 in Dominions No. 75.

Foreign Affairs and the Swiss Minister in London, respecting the Arbitration Convention of 1914, I have the honour to inform you that I am advised by my Acting Prime Minister that the reply to the Swiss Minister contained in Foreign Office despatch dated the 16th December, 1919,* is endorsed by the Government of the Commonwealth of Australia.

I have, &c.,

FORSTER,
Governor-General.

41894

No. 45.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.) } Dominions No. 364.)

[MY LORD,] [SIR,]

Downing Street, 1st September, 1921.

WITH reference to my predecessor's despatch Dominions No. 14, of the 10th January, 1920,† I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of further correspondence with the Swiss Minister, respecting the question of the renewal of the Arbitration Convention with Switzerland of 1904.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 45.

(VI.A.2/19.)

Légation de Suisse,

MONSIEUR LE COMTE, 32, Queen Anne Street, London, W.1, le 12 Mai, 1921.

Le 31 Octobre, 1919,* mon prédécesseur avait eu l'honneur de faire part au Gouvernement de Sa Majesté du prix que le Conseil Fédéral attacherait à conclure, à l'avenir, des traités d'arbitrage qui correspondissent mieux au nouvel état de choses créé par l'avènement de la Société des Nations. Le Gouvernement Suisse estimait, en effet, qu'il était hautement désirable d'élargir en quelque sorte les bases sur lesquelles avaient été conclues les anciennes conventions d'arbitrage, soit en précisant mieux certaines dispositions des traités arrivées à terme, soit en mettant à la charge des Parties contractantes des obligations d'une portée plus considérable que par le passé.

Par note du 16 Décembre, 1919,* Votre Seigneurie avait bien voulu faire savoir à M. Carlin qu'Elle acquiesçait pleinement à la manière de voir du Conseil Fédéral et qu'Elle attendrait avec intérêt les nouvelles propositions que pourrait Lui soumettre le Gouvernement de la Confédération à cet égard.

Encore que les Chambres fédérales eussent approuvé la nouvelle politique qu'il se proposait de suivre en matière d'arbitrage, le Conseil Fédéral avait cru néanmoins devoir différer la conclusion de nouveaux traités d'arbitrage jusqu'au moment où le peuple et les cantons suisses se seraient prononcés définitivement sur la question de l'accession de la Suisse à la Société des Nations et jusqu'au jour où serait intervenue une décision relative à la Cour Permanente de Justice Internationale visée par l'article XIV du Pacte de la Société des Nations.

Aujourd'hui, la Suisse est membre de la Société des Nations et le statut de la Cour Permanente de Justice Internationale a été arrêté par l'Assemblée Générale de Genève en date du 13 Décembre, 1920. Cependant la juridiction obligatoire et inconditionnelle de la Cour Permanente de Justice n'a pu être établie parmi tous les Etats membres de la Société, en dehors des cas où le recours à cette juridiction est expressément prévu par les dispositions des traités de paix et d'autres arrangements conclus depuis la fondation de la Société des Nations. De plus, la Grande-Bretagne n'a pas signé le second protocole relatif à la juridiction obligatoire de la Cour. Dans ces conditions, il apparaît comme très désirable au Conseil Fédéral de

* Enclosure in No. 66 in Dominions No. 75. † No. 66 in Dominions No. 75.

reprandre les négociations au point où elles avaient été laissées en 1919 en vue de conclure une convention spéciale d'arbitrage avec le Gouvernement Britannique.

Le Conseil Fédéral aurait pu, dès maintenant, présenter des propositions à cet égard au Gouvernement de Sa Majesté. Il a estimé toutefois qu'avant de procéder à l'élaboration d'un projet de convention, il serait de la plus grande utilité qu'un échange de vues eût lieu entre les deux Gouvernements sur certaines questions de principe dont la solution préalable permettrait de circonscrire plus nettement le cadre dans lequel s'engageraient les négociations futures. Cet échange de vues, qui n'aurait qu'un caractère purement consultatif pour les deux Gouvernements, devrait porter, à son avis, sur les questions suivantes :

(a) Serait-il possible d'établir, tout au moins dans une certaine mesure, une connexité entre la convention à conclure et la disposition de l'article 36, alinéa 2, du statut de la Cour Permanente de Justice Internationale? Dans ce cas, le traité pourrait, soit préciser, soit limiter, soit modifier l'application du principe de la juridiction obligatoire tel qu'il est consacré par l'article sus-mentionné.

(b) Au lieu de se borner à soumettre les conflits à une procédure arbitrale, le traité d'arbitrage ne devrait-il pas encore instituer une procédure de conciliation et d'enquête? L'opportunité de cette mesure apparaîtrait notamment dans le cas où les propositions, dont les Etats scandinaves ont saisi la Société des Nations, ne deviendraient pas partie intégrante du Pacte de la Société des Nations.

(c) Le principe de la juridiction obligatoire ne devrait-il pas être mis à la base de la nouvelle convention? Le Gouvernement de la Confédération accueillerait avec beaucoup de satisfaction toute proposition qui serait faite dans ce sens, même si elle tendait à ne permettre l'exercice de cette juridiction que dans des limites restreintes. Il estime toutefois qu'il y aurait un sérieux avantage, d'une part, à déterminer de la façon la plus précise les cas qui impliqueraient la reconnaissance de la juridiction obligatoire et, d'autre part, à conférer, soit au tribunal, soit à la commission d'enquête et de conciliation, la compétence de décider, en cas de doute, si les conditions requises pour la juridiction obligatoire se trouvent remplies.

(d) Ne serait-il pas conforme aux intérêts de la Société des Nations, comme aussi aux intérêts des deux Parties, de donner, sauf convention contraire, pleine compétence à la Cour Permanente de Justice Internationale pour statuer sur le fond des litiges susceptibles de solution arbitrale? Cette solution apparaîtrait comme extrêmement heureuse au Conseil Fédéral.

Mon Gouvernement attacherait le plus grand prix à connaître, même si elles étaient faites sous une forme tout à fait générale et à titre simplement provisoire, les observations que ces questions préliminaires, ou d'autres questions non touchées par cet exposé, pourraient suggérer à Votre Seigneurie. Il a, en effet, nettement l'impression qu'en procédant de la sorte, l'élaboration des propositions ultérieures, comme d'ailleurs les négociations elles-mêmes, s'en trouveraient considérablement facilitées.

Veuillez agréer, &c.,

C. R. PARAVICINI.

A Son Excellence

le Très-Honorable Comte Curzon de Kedleston, &c., &c., &c.,
Foreign Office.

Enclosure 2 in No. 45.

Sir,

Foreign Office, S.W.1, 17th June, 1921.

THE preliminary proposals contained in your note of the 12th ultimo, regarding the conclusion of a new Anglo-Swiss Arbitration Convention have received the careful consideration of His Majesty's Government.

2. The Swiss Government inquire whether, since His Majesty's Government have not adopted the optional clause of the protocol establishing the Permanent Court of International Justice, they would be prepared to agree to the insertion of a special provision in the new Arbitration Convention corresponding to paragraph 2 of Article XXXVI of that protocol. The British and Swiss Governments being already bound by Article XIII of the Covenant of the League of Nations, which provides for the reference to arbitration by Members of the League of any dispute which they consider to be suitable for submission to arbitration, and which cannot be satisfactorily settled by diplomacy, the only effect of such a provision would be to render arbitration compulsory in the case of disputes which one, or both, of the contracting parties did not regard as suitable for such a means of settlement. While

confident that practically no combination of circumstances could lead to such a dispute arising between Great Britain and Switzerland. His Majesty's Government regret that they cannot see their way to adopt the suggestion of the Swiss Government in this respect, still less the further suggestion that the new convention should be entirely based on the principle of compulsory arbitration.

3. The Swiss Government further propose that the new convention should contain provision for the reference of certain disputes to commissions of conciliation. His Majesty's Government are not convinced that any useful purpose would be served by the adoption of this proposal. They are not aware of any cases in which effect has been given to the provisions for the reference of disputes to commissions of conciliation which are contained in the so-called Bryan Treaties negotiated by the United States, nor of any other case of international disputes having been referred to such a commission. Moreover, possibility of such reference in exceptional circumstances is already provided for by the Covenant, since it has already been agreed that the powers of the Council of the League in dealing with a dispute under Articles XII and XV enable that body to refer the question, if desired, to a commission of this nature.

4. Lastly, the Swiss Government suggest that the Permanent Court of International Justice should be given full power to adjudicate upon disputes regarded as suitable for arbitration. His Majesty's Government understand this suggestion to mean that all disputes submitted to arbitration under the new convention should be submitted only to the new permanent Court. On this assumption they are in full agreement with the proposal; but they understand that one of the amendments to the Covenant shortly coming before the Council is framed with a view to the introduction into paragraph 3 of Article XIII of a reference to the Court created under Article XIV, and until it is known whether this amendment will be adopted by the assembly, it will not be possible to decide what would be the most appropriate terms in which to word this portion of the proposed new convention.

I have, &c.,
(For the Secretary of State),
R. H. CAMPBELL.

Monsieur C. R. Paravicini, &c., &c., &c.

ARMAMENTS: LIMITATION OF EXPENDITURE ON.

21896

No. 46.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 11.55 a.m., 14th May, 1921.)

TELEGRAM.

[Answered by Nos. 48, 49, 50 and 51.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Paraphrase.)

LEAGUE of Nations letter of 8th March, 21/31/27,* as to limitation of expenditure on armaments, has been under consideration of His Majesty's Government. His Majesty's Government propose to reply that their policy is entirely in harmony with the spirit of the recommendation adopted in the League Assembly on 14th December, that very substantial reductions in their military, naval, and air expenditure have already been effected, and that in the next two years they look forward to the possibility of further economies, though these must be subject to the reservations mentioned in the recommendation of the Assembly.

Before sending the above reply, His Majesty's Government would be glad to know whether your Ministers assent to it, as they think it important that on this matter the British Empire should speak with one voice.

A similar telegram has been sent to the other Dominions.—CHURCHILL.

* The letter was in similar terms to that enclosed in No. 47.

24258

No. 47.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th May, 1921.)

[Answered by No. 52.]

(No. 242.)

SIR, Governor-General's Office, Cape Town, 26th April, 1921.

I HAVE the honour to transmit to you, herewith, minute No. 379 from Ministers, with enclosure, on the subject of expenditure on armaments.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 47.

(P.M. 1/5.)

MINUTE No. 379.

Prime Minister's Office, 22nd April, 1921.

MINISTERS have the honour to inform the Governor-General that they have received a letter from the Secretary-General of the League of Nations, dated 8th March, 1921, conveying the recommendation of the Assembly of the League of Nations that Governments should undertake for the years 1922-23 and 1923-24 not to exceed the sum total of expenditure on the military, naval, and air services provided for in the Budget of 1921-22.

Ministers beg to forward herewith a copy of the Prime Minister's reply, and would be glad if His Royal Highness would be good enough to transmit the same to the Secretary of State for the Colonies for the information of His Majesty's Government.

J. C. SMUTS.

SIR,

Prime Minister's Office, Cape Town, 20th April, 1921.

I HAVE the honour to acknowledge receipt of your letter of 8th March, No. 21/31/27, conveying the recommendation of the Assembly of the League of Nations that Governments should undertake for the years 1922-23 and 1923-24 not to exceed the sum total of expenditure on the military, naval, and air services provided for in the Budget for 1921-22.

While my Government is in cordial agreement with the aim of the Assembly, in thus making a practical suggestion to carry out Article VIII of the Covenant, they desire me to notify the Council of the League, in terms of the second reservation contained in your letter, of the following "exceptional conditions" which make it at present uncertain to what extent they will be able to adopt the recommendations in the immediate future:—

(1) The Union has never possessed a standing naval, military, or air force. It has not yet had time to develop its citizen force, the organization devised for that purpose by the Union Parliament, in 1912, having never been brought into effective being owing to the interruption caused by the Great War and a period of total inactivity since the cessation of that War.

(2) Before the Great War:—

(a) The Imperial Government maintained considerable forces stationed in the Union for defence purposes.

(b) There was no Air Force, Imperial or Union, in South Africa.

(c) The Imperial and not the Union Government assumed responsibility for naval defence of South African ports, waters, and trade sea routes.

(3) The circumstances of the present day are that the Imperial Government has withdrawn practically the whole of the Regular Garrison stationed in the Union before the War, and it is likely that the Union will have to assume the military obligations which before the Great War were assumed by the Imperial Government for purposes of local defence. The Union's

share in the naval defence of South Africa has also still to be determined in consultation with the Imperial Government. These matters will be discussed at a Conference which it is proposed to hold in London at an early date; and any declarations as to the expenditure of the Union on military, naval, and air defence in the immediate future would therefore be premature at present.

Finally, I desire to emphasize, for the consideration of the Council, "the geographical situation and circumstances" generally of the Union:—

(1) The territory of the Union covers 473,000 square miles and contains a native population in the process of emerging from barbarism, which outnumbers the European population by four to one.

(2) There are, moreover, in South Africa territories surrounding the Union, but within the Union's economic and political sphere, wherein the native population outnumbers the European population in far greater proportion. Seeing that the Union is far and away the strongest civilized State in Central and Southern Africa, the peaceful and orderly development of other states and territories, and the welfare and good government of the indigenous native races of Africa, and the African Continent in the Southern Hemisphere, are matters of vital concern to the Union.

(3) Only recently has the Union acquired international status, with its concomitant obligations in the way of national defence, and while other States have for years past made adequate provision for this purpose, the Union has had as yet no opportunity to lay down a basis for future guidance.

Besides, by accepting the Mandate for South-West African Territory, she has not only largely increased her seaboard, but has rendered herself liable for the peace, order, and defence of a large territory, containing large numbers of natives hardly developed from the stage of barbarism.

Owing to the exceptional conditions mentioned in the first part of this memorandum, and the geographical situation and circumstances enumerated herein, the Union Government, while they are in general agreement with the policy of the League of Nations, do not feel at present justified in giving the definite assurances which the recommendation of the Assembly suggests.

It is needless to add that the military and naval organization contemplated for the Union has reference entirely to the defence of South Africa and the maintenance of internal order and peace, and would be useless from the point of view of foreign aggression or operations to be conducted outside of South Africa. It is therefore in complete conformity with the peaceful ideals which the League has at heart.

I have, &c.,
J. C. SMUTS,
Prime Minister.

The Secretary-General,
League of Nations,
Geneva.

LEAGUE OF NATIONS.

SIR,

Geneva, 8th March, 1921.

I AM instructed by the Council of the League of Nations to forward to the Governments of all Members of the League the enclosed recommendation adopted by a majority vote of the Assembly with regard to the limitation of military, naval, and air expenditure during the two financial years following the next budget of each Member.

The Council further instructed me to request the Governments of the Members of the League to be so good as to inform me before 1st May whether they propose to give effect to this recommendation

I have, &c.,
ERIC DRUMMOND,
Secretary-General.

The Right Honourable
The Prime Minister of South Africa.

LEAGUE OF NATIONS.

*Recommendation adopted by the Assembly of the League of Nations,
14th December, 1920.*

PENDING the full execution of the measures for the reduction of armaments recommended by Article VIII of the Covenant, the Assembly recommends to the Council to submit for the consideration of the Governments the acceptance of an undertaking not to exceed, for the first two financial years following the next financial year, the sum total of expenditure on the military, naval, and air services provided for in the latter budget, subject, however, to account being taken of the following reservations:—

(1) Any contributions of troops, war material, and money recommended by the League of Nations, with a view to the fulfilment of obligations imposed by Article XVI of the Covenant or by Treaties registered by the League.

(2) Exceptional conditions notified as such to the Council of the League of Nations in accordance with the spirit of paragraphs 2 and 6 of Article VIII of the Covenant.

24674

No. 48.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.25 a.m., 19th May, 1921.)

TELEGRAM.

[Answered by No. 52.]

(Paraphrase.)

LIMITATION of expenditure on armaments; your telegram of 14th May.* Government of New Zealand is desirous that His Majesty's Government should speak for the Empire in such matters and assents to the letter proposed in your telegram being sent as the reply to the League of Nations.—JELlicoe.

25157

No. 49.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.46 p.m., 20th May, 1921.)

TELEGRAM.

[Answered by No. 52.]

(Paraphrase.)

19TH MAY. With reference to your telegram of 14th May,* with regard to limitation of expenditure on armaments, Ministers state they are in entire agreement with policy of His Majesty's Government in this matter, and they readily assent to the reply which it is proposed to send to the League of Nations. See my despatch of 26th April, No. 242.†—ARTHUR FREDERICK.

26287

No. 50.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.39 a.m., 27th May, 1921.)

TELEGRAM.

[Answered by No. 52.]

27TH MAY. Your telegram 14th May,* limitation of expenditure on armaments. Suggested reply of His Majesty's Government to League of Nations in accordance with views Government of Commonwealth of Australia, who agree with you that British Empire should speak with unanimity on this important matter.

26522

No. 51.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.10 a.m., 28th May, 1921.)

TELEGRAM.

[Answered by No. 52.]

(Paraphrase.)

27TH MAY. Limitation of expenditure on armaments; League of Nations letter of 8th March.* Canadian Government had already reached similar conclusion to that of your telegram of 14th May.† They consider, however, that replies to the League would be more appropriately rendered through the same channel as the inquiry was addressed, though, at the same time, they agree that it is desirable that there should be no divergence of views between constituent parts of the British Empire. Accordingly, Canadian Government are sending a communication, the effect of which is the same as that proposed in your telegram, direct to the Secretary-General of the League.—DEVONSHIRE.

31284

No. 52.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 343.)

(Commonwealth of Australia. No. 258.)

(New Zealand. No. 126.)

(Union of South Africa. No. 220.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 30th June, 1921.

WITH reference to [To Union of South Africa: Your Royal Highness's despatch No. 242, of the 26th April,‡ and] Your Excellency's telegram§ of the [27th] [27th] [19th] [19th] May, I have the honour to transmit to you, for the information of your Ministers [a copy] [copies] of the reply sent on behalf of His Majesty's Government to the League of Nations circular letter of the 8th March* regarding the limitation of expenditure on armaments [To New Zealand only: and of a further letter to the League of Nations as to the association of the New Zealand Government with the views expressed in this reply.

2. The letter of the 20th June was sent after consultation with your Prime Minister in this country.]

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 52.

(No. 38/1/3.)

SIR,

2nd June, 1921.

HIS MAJESTY'S GOVERNMENT have under careful consideration your letter of 8th March enclosing the recommendation adopted on 14th December, 1920, by a majority vote of the Assembly of the League of Nations with regard to the limitation of naval, military, and air expenditure during the two financial years following the next budget of each Member.

In reply, I have to inform you that the policy of His Majesty's Government is entirely in harmony with the spirit of the recommendation adopted on 14th December by the Assembly of the League. His Majesty's Government have already effected very substantial reductions in their naval, military, and air expenditure, and look forward to the possibility of further economies in the next two years. These, however, must be subject to the reservations mentioned in the recommendation.

* See enclosure in No. 47. † No. 46. ‡ No. 47. § Nos. 51, 50, 48 and 49.

At the same time, His Majesty's Government desire to point out that, if the recommendations of the Assembly are not adopted by other Powers, their policy must be liable to reconsideration.

I am, &c.,

A. J. BALFOUR.

The Honourable Sir Eric Drummond, K.C.M.G., C.B.,
League of Nations,
Hotel National,
Geneva.

Enclosure 2 in No. 52.

(No. 38/1/3.)

Offices of the Cabinet, 2, Whitehall Gardens, London, S.W.1.,

20th June, 1921.

SIR,

WITH reference to your letter dated 8th March on the subject of the Limitation of Expenditure on Armaments, I have to inform you that His Majesty's Government have been requested by the Government of New Zealand to acquaint you that they wish to associate themselves with the views contained in my letter to you, No. 38/1/3, of 2nd June.

I am, &c.,

ARTHUR JAMES BALFOUR.

The Honourable Sir Eric Drummond, K.C.M.G., C.B.,
League of Nations,
Geneva.

31284

No. 53.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 101.)

SIR,

Downing Street, 30th June, 1921.

I HAVE the honour to transmit to you, to be laid before your Ministers, copies of a League of Nations circular letter,* and of the reply† sent on behalf of His Majesty's Government regarding the limitation of expenditure on armaments.

I have, &c.,

WINSTON S. CHURCHILL.

ARMS TRAFFIC CONVENTION.

(Treaty Series 1919, No. 12.)

15373

No. 54.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 57.]

(No. 185.)

SIR,

Downing Street, 31st May, 1921.

I HAVE the honour to request Your Royal Highness to inform your Ministers that a question has arisen with regard to the position of South West Africa in relation to the Arms Traffic Convention.

* See enclosure in No. 47. † Enclosure in No. 52.

2. The portion of the Continent of Africa excluded from the prohibited zone is described in the English version of Article VI (1) of the Convention as follows:—"The whole of the Continent of Africa, with the exception of Algeria, Libya, and the Union of South Africa."

3. The Convention was, however, signed in French only (see page 65 of Treaty Series, 1919, No. 12) and the authentic version is, therefore, the French one. In the French version the excluded portion is described as "La totalité du continent africain, à l'exclusion des territoires de l'Algérie, de la Libye et de l'Union Sud-Africaine."

4. In view of the wording of the text of the Convention, the question arises whether the obligation upon the High Contracting Parties to prohibit the export of firearms and ammunition to the prohibited zone under Article II extends to South-West Africa or whether South-West Africa is to be considered as excluded from the prohibited zone on the ground that the phrase "territoires. . . de l'Union Sud-Africaine" means "the Union of South Africa and its territories." His Majesty's Government would be glad to receive the views of your Ministers on the point.

5. The expression used in the French text of the Liquor Traffic Convention (Treaty Series, 1919, No. 19) is (Article I) "la totalité du continent africain, à l'exclusion de l'Algérie, de la Tunisie, du Maroc, de la Libye, de l'Égypte et de l'Union sud-africaine."

I have, &c.,

WINSTON S. CHURCHILL.

29891

No. 55.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.52 p.m., 15th June, 1921).

TELEGRAM.

[Answered by No 58.]

15TH JUNE. With reference to resolution* of assembly League of Nations, 14th December last, urging desirability early ratification Convention for control trade, arms, and ammunition, and invitation of Council to Government of Commonwealth of Australia to take action accordingly should be glad to know views and action contemplated by His Majesty's Government in matter.—GOVERNOR-GENERAL.

29891

No. 56.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

} Dominions No. 256.)

[MY LORD DUKE,] [MY LORD] [SIR,]

Downing Street, 28th June, 1921.

With reference to my despatch Dominions No. 245, of the 17th June,† I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch to His Majesty's Ambassador at Washington regarding the ratification of the Arms Traffic Convention.

I have, &c.,

WINSTON S. CHURCHILL.

* See enclosure in No. 56 on page 34. † 30273: not printed; it enclosed a copy of a note from the French Government as to the application of the Convention pending ratification.

Enclosure in No. 56.

(No. 730.)

SIR,

Foreign Office, S.W.1, 6th June, 1921.

Your Excellency is already aware that it has so far proved impossible to apply in its entirety the Convention for the Control of the Traffic in Arms and Ammunition which was signed at Paris on 10th September, 1919, but that the principal Allied Governments have arranged to observe the provisions of the Convention, in so far as it relates to the supply of arms and ammunition to the prohibited areas defined in Article VI of the Convention.

2. The application of the Convention to these areas no doubt fulfils a useful object and enables the parties to the Convention to control, to some extent, a trade which should, for humanitarian reasons, be most strictly regulated. The Convention, however, was designed to permit of a far more general system of controlling the whole trade in munitions of war, and it is a matter of regret to His Majesty's Government that its complete application has so far proved to be impracticable.

3. One difficulty in the way of the complete enforcement of the Convention is obvious. As long as one or more of the principal manufacturing Powers remain unfettered by its terms, other countries cannot be expected to subject themselves to limitations which would result not in the control or diminution of the trade in arms, but in the transfer of that trade to competitors of other nationalities to whom the Convention would not apply.

4. In these circumstances the Council of the League of Nations has suggested that the Convention should be ratified at the earliest possible date, and that should any Government consider it necessary, its ratification might be accompanied by the reserve that it should not take effect until other signatory Powers had also ratified. A copy of the letter from the League of Nations containing this suggestion is enclosed herewith.

5. The suggestion is one which commends itself to His Majesty's Government. The French Government, from the terms of their reply to the League of Nations (copy enclosed), would also be ready to deposit their ratification as soon as the Principal Allied and Associated Powers are ready to do so.

6. It seems likely, therefore, that so far as the principal European Powers are concerned, the means might be found to bring the Convention into force by the adoption of the system of ratification suggested by the League of Nations. It must, however, be recognized that the whole Convention is doomed to failure if the United States Government decline to ratify it.

7. I shall be glad, therefore, if you would take an opportunity of discussing with the United States Secretary of State the whole situation in regard to the proposals for the control of the trade in arms. The objects of the Convention are clearly stated in its preamble, and are, it would seem, such as to commend themselves to the Government and people of the United States. In these circumstances there is perhaps a possibility that the United States Government will not refuse to ratify the Convention.

8. There is the further possibility that the United States Government may be prepared to adopt the provisions of the Convention if it were modified in such a way as to exclude the references made in it to the League of Nations. I should not be prepared at the moment to express any opinion as to the feasibility of modifying the Convention in this direction, but any suggestions which you may be in a position to make, as a result of your discussions with the United States Government, would be of interest.

9. Four copies of the Convention are enclosed herewith for your convenience.

I am, &c.,

(For the Secretary of State).

H. J. SEYMOUR.

His Excellency

The Right Honourable

Sir Auckland Geddes, K.C.B.,

&c.,

&c.,

&c.

(Communicated by League of Nations.)

(A. 3786/974/95.)

(C.34.M.16.1921. IX.)

23rd May, 1921.

ARMS TRAFFIC CONVENTION.

Note by the Secretary-General.

THE following replies to the two letters of the Secretary-General, dated 8th March, 1921, are circulated for the information of the Members of the Council. (See copies herewith of letters in question, 21/31/28 and 21/31/28A.)

LEAGUE OF NATIONS.

(21/31/28.)

SIR,

Geneva, 8th March, 1921.

THE following resolution was adopted by the Assembly of the League of Nations on 14th December, 1920, on the proposition of the Sixth Committee of the Assembly:—

"1. The Committee, having received a report of Sir Cecil Hurst on the Convention for the Control of the Trade in Arms and Ammunition which was signed at Saint Germain, on 10th September, 1919, by the United States of America, Belgium, Bolivia, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, the Hedjaz, Italy, Japan, and other Powers, and being greatly impressed by the value of this Convention as an instrument of civilization, and by the evils which would ensue from its non-observance, are anxious that the signatory Powers should proceed without delay to ratification and to the establishment of the International Office of Control contemplated by the Convention.

"2. The Committee note that the signatory Governments declared in a Protocol that it was contrary to the intention of the High Contracting Parties and to the spirit of this Convention that, pending the coming into force of the Convention, a Contracting Party should adopt any measure which is contrary to its provisions.

"3. The Committee note, however, that it has not been possible for the Powers to give full effect to their Protocol, and that up to the present time the Convention of Saint-Germain has had no effect save upon the traffic in arms to the certain special areas specified in the Convention.

"The Committee would therefore urge that the Assembly should declare its high sense of the gain to civilization which would ensue from a strict control of this traffic, and should invite the Council to urge upon all Governments without delay (*sic*) speedy ratification of, or adhesion to, the Convention."

The Council of the League of Nations is in complete agreement with the Assembly as to the importance of securing the ratification of the Arms Traffic Convention at the earliest possible date.

The Council considers that the best method of giving effect to the resolution of the Assembly is to bring it to the notice of all Governments signatories of the Convention, urging that it should be ratified at the earliest possible date and suggesting that, should any Government consider it necessary, its ratification might be accompanied by the reserve that it should not take effect until other signatory Powers have also ratified.

I therefore have the honour to inquire, in the name of the Council, whether the Government is prepared to ratify the Convention, and, if so, whether it desires to make the reservation referred to above. The Council would highly appreciate an early reply to this inquiry.

A similar letter has been sent to Governments not signatories of the Convention, asking them whether they would be prepared to sign and to ratify the Convention on the same conditions.

I have, &c.,

Secretary-General.

(21/31/28A.)

SIR,

Geneva, 8th March, 1921.

League of Nations.

THE following resolution was adopted by the Assembly of the League of Nations on 14th December, 1920, on the proposition of the Sixth Committee of the Assembly:—

"1. The Committee, having received a report of Sir Cecil Hurst on the Convention for the Control of the Trade in Arms and Ammunition which was signed at Saint-Germain on 10th September, 1919, by the United States of America, Belgium, Bolivia, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, the Hedjaz, Italy, Japan, and other Powers, and being greatly impressed by the value of this Convention as an instrument of civilization, and by the evils which would ensue from its non-observance, are anxious that the signatory Powers should proceed without delay to ratification and to the establishment of the International Office of Control contemplated by the Convention.

"2. The Committee note that the signatory Governments declared in a Protocol that it was contrary to the intention of the High Contracting Parties, and to the spirit of this Convention that, pending the coming into force of the Convention, Contracting Party should adopt any measure which is contrary to its provisions.

"3. The Committee note, however, that it has not been possible for the Powers to give full effect to their Protocol, and that up to the present time the Convention of Saint-Germain has had no effect save upon the traffic in arms to the certain special areas specified in the Convention.

"The Committee would therefore urge that the Assembly should declare its high sense of the gain to civilization which would ensue from a strict control of this traffic, and should invite the Council to urge upon all Governments without delay (*sic*) speedy ratification of, or adhesion to, the Convention."

The Council of the League of Nations is in complete agreement with the Assembly as to the importance of securing adhesion to and ratification of the Arms Traffic Convention at the earliest possible date.

The Council considers that the best method of giving effect to the resolution of the Assembly, so far as concerns the Governments of States Members of the League who have not signed or adhered to the Convention, is to bring it to the notice of such Governments, urging their adhesion at the earliest possible date and suggesting that, should any Government consider it necessary, its adhesion might be accompanied by the reserve that it should not take effect until other Powers have also ratified.

I therefore have the honour to inquire, in the name of the Council, whether the Government is prepared to adhere to the Convention, and, if so, whether it desires to make the reservation referred to above. The Council would highly appreciate an early reply to this inquiry.

A similar letter has been sent to Governments signatories of the Convention, asking them whether they would be prepared to ratify the Convention on the same conditions.

I have, &c.,

Secretary-General.

REPLY OF THE SIAMESE GOVERNMENT.

Siamese Delegation to the Assembly of the League of Nations,

SIR,

Paris, 16th March, 1921.

I HAVE the honour to acknowledge receipt of your communication No. 21/31/28, dated the 8th instant, and addressed to the Minister for Foreign Affairs concerning the resolution adopted by the Assembly of the League of Nations on the 14th December, 1920, on the Convention relative to the Control of the Traffic in Arms and Munitions signed at Saint-Germain on the 10th September, 1919, and inquiring, in the name of the Council of the League, if His Majesty's Government is disposed to ratify the Convention, and, if so, whether it desires to make the reservation referred to in the seventh paragraph of the communication under reply.

I will not fail to transmit this communication to His Royal Highness the Minister for Foreign Affairs, and beg to add that I am able to give the information required by the Council of the League.

The above Convention was ratified by His Majesty's Government on the 16th December, 1919, and was communicated by me to the Minister for Foreign Affairs of the French Republic in a letter dated the 3rd June, 1920. The exchange of ratification of the above Convention took place at the French Ministry for Foreign Affairs on the 16th July, 1920.

His Majesty's Government has made no reservation referred to in the seventh paragraph of your communication.

I have, &c.,

CHAROON,

Siamese Representative to the League of Nations.

To the Secretary-General of the League of Nations,
Geneva.

REPLY OF THE FRENCH GOVERNMENT.

MINISTRY OF FOREIGN AFFAIRS FRENCH SERVICE TO THE LEAGUE OF NATIONS.

(No. 70.)

French Republic, Paris,

3, rue François 1er, 25th March, 1921.

SIR,

Ratification of the Convention for the Traffic in Arms.

I HAVE the honour to acknowledge the receipt of your letter (8/11301), of 8th March, 1921, with reference to the Convention signed at St. Germain-en-Laye on 10th September, 1919, regarding the Traffic in Arms.

The Convention is at present under consideration by the Chambers. It was, moreover, approved by the Chambre des Députés on 16th February last; and the Government have asked the permission of the Senate to place the Bill for the approval of the Convention on the agenda of the High Assembly as soon as possible.

When the President of the Republic has been authorized by the Senate to ratify the Convention, and the instrument of ratification has been signed by the Chief of the State, the Government of the Republic will be ready to deposit it, as soon as the Principal Allied and Associated Powers are also ready to do so.

I have, &c.,

JEAN GOUT,

by Authority, for the Minister
Plénipotentiaire, Chief of the
French Service to the League of
Nations.

Sir Eric Drummond,
Secretary-General of the League of Nations.

REPLY OF THE BELGIAN GOVERNMENT.

(Reference P.B. No. S.N. & B.I.B.)

(No. 119.)

SIR,

Ministry of Foreign Affairs, Brussels, 2nd May, 1921.

I HAVE the honour to acknowledge receipt of your letter of 8th March, No. 21/31/28, which has been duly considered by the Belgian Government. My Government readily acknowledges the nobility of the ideas which inspired the resolution of the Assembly of the League of Nations with reference to the strict supervision of the traffic in arms and munitions; at the same time, however, it does not lose sight of the executive difficulties which became apparent in connexion with the Convention of St. Germain, of 19th September, 1919, when the question arose of discrimination between weapons of war which may not be exported, and ordinary weapons, export of which is allowed. In consequence of these difficulties, which are the cause of the delay in the ratification of the Convention, the Council of Ambassadors, in July, 1920, temporarily abandoned the idea of giving effect to that portion

of the Convention relating to weapons of war, and declared that the final protocol should only have an executive value in so far as concerns the general traffic in arms within zones in which the traffic is specifically prohibited.

In regard to this question, the Belgian Government feels bound to adopt the attitude assumed by the Council of Ambassadors which took its first decision after consideration of the general interests of the Powers concerned. It feels bound, therefore, to wait until the Council of Ambassadors has delivered a further pronouncement.

If the Powers were to come to an agreement with regard to the exact construction to be placed upon Article I of the Convention and were to specify clearly, by calibre and size, which weapons should be included under the heading of weapons of war and which under the heading of ordinary weapons, great progress would be made towards the complete application of the Convention. Belgium, at all events, would raise no further objection.

I have, &c.,

HENRI JASPAR.

The Honourable Sir Eric Drummond,
Secretary-General of the League of Nations,
Geneva.

35948

No. 57.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 19th July, 1921.)

(No. 485.)

SIR,

Governor-General's Office, Cape Town, 30th June, 1921.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 185, of 31st May, 1921,* copy of a minute, No. 671, from Ministers, dated 28th June, 1921, on the subject of South-West Africa in relation to the Arms Traffic Convention.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 57.

MINUTE No. 671.

Prime Minister's Office, 28th June, 1921.

MINISTERS have the honour to acknowledge the receipt of the Governor-General's minute, No. 62/2107, of the 22nd June, on the subject of South-West Africa in relation to the Arms Traffic Convention.

Ministers have given careful consideration to the Right Honourable the Secretary of State's despatch, and have come to the conclusion that in addition to the terms of the French version of this Convention, South-West Africa is excluded from the prohibited zone for the following reasons:—

Firstly: Article II of the Mandate for South-West Africa distinctly provides that that territory shall be an integral portion of the Union of South Africa, and

Secondly: Article III provides that the Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on 10th September, 1919, or in any Convention amending the same.

F. S. MALAN.

* No. 54.

44054

No. 58.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.35 p.m., 5th September, 1921.)

TELEGRAM.

[Answered by Nos. 59, 60, 61 and 62.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

5TH SEPTEMBER. Ratification Arms Traffic Convention, see my despatch 28th June, Dominions No. 256,* and circular from Secretary League of Nations, 8th March.† His Majesty's Government have decided to authorize their representatives at League to state that they would proceed to ratification as soon as other Principal Allied and Associated Powers are prepared to ratify, subject to safeguards being provided against Convention being rendered nugatory by non-signatory States, e.g., Soviet Government. Presumed this course in accordance with views of your Government, who have already agreed to ratification.—SECRETARY OF STATE FOR THE COLONIES.

45442

No. 59.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.25 p.m., 9th September, 1921.)

TELEGRAM.

9TH SEPTEMBER. Your telegram 5th September,‡ ratification of Arms Traffic Convention. Government of Canada concurs in proposal to the effect that His Majesty's Government should authorize its representative at League to state that they will proceed to ratification of this Convention as soon as other principal Allied and Associated Powers are prepared to ratify it, subject to safeguards being provided against Convention being rendered nugatory by non-signatory States.—BYNG.

45444

No. 60.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.12 a.m., 10th September, 1921.)

TELEGRAM.

10TH SEPTEMBER. Your telegram 5th September,‡ Government of New Zealand concur in course proposed by His Majesty's Government in respect of ratification of Arms Traffic Convention.—JELLICOE.

46898

No. 61.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.35 a.m., 19th September, 1921.)

TELEGRAM.

19TH SEPTEMBER. Your telegram 5th September,‡ ratification of Arms Traffic Convention. Course proposed in accordance with views of my Government.—GOVERNOR-GENERAL.

* No. 56.

† Sub-enclosure in No. 50.

‡ No. 58.

47917

No. 62.

UNION OF SOUTH AFRICA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.30 a.m., 25th September, 1921.)

TELEGRAM.

24TH SEPTEMBER. Your telegram 5th September,* ratification of Arms Traffic Convention. Course proposed is in accordance with views of Government of Union of South Africa.—INNES.

BOLIVIA.

Convention for the Prevention of False Indications of Origin on Goods.

(Treaty Series 1921, No. 9.)

24731

No. 63.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 24th May, 1921.

I AM directed by Mr. Secretary Churchill to state that his attention has been drawn to the Convention between the United Kingdom and Bolivia for the Prevention of False Indications of Origin on Goods, published as No. 9 of the Treaty Series, 1921. Mr. Churchill presumes that on the British side this Convention applies only to the United Kingdom, and that there is no reason to suppose that the Bolivian Government think otherwise.

I am, &c.,

H. LAMBERT.

24731

No. 64.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 218.)

[MY LORD DUKE.] [MY LORD.] [SIR,]

Downing Street, 28th May, 1921.

I HAVE the honour to transmit to [Your Royal Highness.] [Your Excellency,] [you,] to be laid before your Ministers, copies of a Parliamentary Paper [Cmd. 1283]† containing a Convention between the United Kingdom and Bolivia for the Prevention of False Indications of Origin on Goods.

I have, &c.,

WINSTON S. CHURCHILL.

31916

No. 65.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 66.]

SIR,

Downing Street, 12th July, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your

* No. 58.

† Treaty Series, 1921, No. 9.

letter of the 27th June* relative to the recent Convention between the United Kingdom and Bolivia for the Prevention of False Indication of Origin on Goods, and to request you to inform the Marquess Curzon of Kedleston that he concurs in the suggestion of the Board of Trade, in their letter of the 18th June,† to the Foreign Office, that the view that, on the British side, the Convention applies only to the United Kingdom should be placed beyond doubt by means of an exchange of notes with the Bolivian Government.

I am, &c.,
HENRY LAMBERT.

39279

No. 66.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th August, 1921.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Minister at La Paz on the subject of the Convention with Bolivia for the Prevention of False Indications of Origin on Goods.

Foreign Office,
6th August, 1921.

Reference to previous correspondence: To Foreign Office, 12th July, 1921.‡

(Similar letter sent to Board of Trade.)

Enclosure in No. 66.

(No. 37.)

SIR, Foreign Office, S.W.1, 27th July, 1921.
WITH reference to your despatch No. 15 of the 19th March last and previous correspondence respecting the Convention between the United Kingdom and Bolivia signed at La Paz on 5th April, 1920, for the Prevention of False Indications of Origin on Goods, I transmit to you, for your information, a copy of correspondence which has passed with the Colonial Office and the Board of Trade regarding the scope of this Convention.

2. In the circumstances shown, I shall be glad if you will approach the Bolivian Government with a view to an exchange of notes, placing upon record that the Convention is deemed on the British side to apply only to the United Kingdom.

I am, &c.,
(For the Secretary of State)
GEORGE MOUNSEY.

W. E. O'Reilly, Esquire,
&c., &c., &c.

57691

No. 67.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21st November, 1921.)

[Answered by No. 68.]

SIR, Foreign Office, S.W.1, 19th November, 1921.
WITH reference to the Foreign Office letter of the 6th August last§ and previous correspondence relative to the Convention of 5th April, 1920, between the

* 31916: not printed. It enclosed a copy of a letter from the Board of Trade stating that in their view the Convention was intended to apply only to the United Kingdom, but suggesting that this might be placed beyond doubt by an exchange of notes.

† See * above.

‡ No. 65.

§ No. 66.

United Kingdom and Bolivia for the Prevention of False Indications of Origin on Goods, I am directed by the Marquess Curzon of Kedleston to transmit to you a copy of a despatch from His Majesty's Minister at La Paz.

2. Paragraph 2 of Mr. O'Reilly's despatch appears to contemplate that the opportunity might be taken either to suggest to the Bolivian Government the conclusion of a new and revised Convention containing an article providing for accessions of British Dominions and Colonies, or the conclusion of a supplementary instrument, which, while stating that the existing Convention applies only to the United Kingdom would provide for accessions of Dominions and Colonies thereto.

3. Lord Curzon would in the circumstances be glad to be furnished with the observations of Mr. Secretary Churchill on Mr. O'Reilly's despatch.

4. A similar letter has been addressed to the Board of Trade.

I am, &c.,
G. H. VILLIERS.

Enclosure in No. 67.

(No. 82.)

MY LORD,

British Legation, La Paz, 22nd September, 1921.

I HAVE the honour to refer to Your Lordship's despatch No. 37 of the 27th July relative to the Convention between the United Kingdom and Bolivia for the Prevention of False Indications of Origin on Goods.

In reply I venture to suggest the question whether, if this Convention is, as suggested by the Board of Trade, to be regarded as supplementary to the Treaty of Commerce of 1911, and, since the accession to that Treaty of a considerable number of British Colonies and Protectorates was notified to the Bolivian Government in 1913 in accordance with the instructions contained in the Foreign Office despatch No. 1 Treaty of the 11th March of that year, it is the intention that the Convention should apply on the British side to the United Kingdom only, or whether any provision should be made for the accession to it of British Colonies and Protectorates as to the Treaty to which it is supplementary.

As the Bolivian Congress is not due to meet until the beginning of November, little time will be lost by the present inquiry, which I venture to make *ex abundante cautela*.

I have, &c.,
W. O'REILLY.

The Most Honourable
The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.,
Foreign Office.

57691

No. 68.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 1st December, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 19th November,* regarding the Convention of the 5th April, 1920, between the United Kingdom and Bolivia for the Prevention of False Indications of Origin on Goods; and to request you to inform the Marquess Curzon of Kedleston that, both as regards the self-governing Dominions and the Colonies, the action indicated in the despatch to His Majesty's Minister at La Paz of the 27th July, of which a copy was enclosed in your letter of the 6th August,† is sufficient.

2. A copy of this letter is being sent to the Board of Trade.

I am, &c.,
HENRY LAMBERT.

* No. 67. † No. 66.

BRITISH POSSESSIONS IN THE PACIFIC.

Proposed consultation with Australia and New Zealand as regards application of Commercial Treaties to—

2470

No. 69.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 17th January, 1921.)

SIR,

Foreign Office, S.W.1, 15th January, 1921.

WITH reference to your letter of the 16th of November last,* on the subject of the desire of the Government of New Zealand to be consulted by the Imperial Government before any commercial treaties are entered into, which give rights to aliens in British Possessions in the Pacific, I am directed by Earl Curzon of Kedleston to state that there is no intention of departing from the invariable practice of many years standing of consulting the Secretary of State for the Colonies throughout the negotiation of any commercial treaty or agreement affecting the Dominions, Colonies, or Protectorates.

2. Lord Curzon regrets that owing to an oversight a reply to your letter under reference has not been sent before.

I am, &c.,

G. H. VILLIERS.

5943

No. 70.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th February, 1921.)

SIR,

Foreign Office, S.W.1, 7th February, 1921.

WITH reference to your letter of the 29th December last,† I am directed by Earl Curzon of Kedleston to transmit to you, herewith, a list‡ of British Commercial, etc. Treaties applicable to British Colonies in the Pacific, as requested in paragraph 4 of your letter of the 13th August last.§

2. A copy of this list is also being sent to the Board of Trade.

I am, &c.,

G. H. VILLIERS.

5943

No. 71.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. } Secret.)
(New Zealand. }

MY LORD,

Downing Street, 13th May, 1921.

I HAVE the honour to acknowledge the receipt of [your predecessor's telegram and Secret despatch of the 13th July, 1920,||] [Sir R. Stout's Secret despatch of the 1st September, 1920.¶] respecting the Treaty rights of aliens in British Possessions in the Pacific.

2. A note has been made of your Ministers' desire to be consulted before any Commercial Treaties with Foreign Powers giving the right of entry and residence in these territories are entered into by His Majesty's Government in future. Their wishes have also been communicated to the High Commissioner for the Western Pacific.

3. As your Ministers are aware, it was the custom during the years immediately preceding the War that Commercial Treaties negotiated by His Majesty's Government should apply, in the first instance, to the United Kingdom only, a clause being inserted providing for the separate accession to the Treaty on behalf of each part of the Oversea Dominions, Colonies, and Protectorates.

* No. 124 in Dominions No. 75. † 45026: reminder, not printed. ‡ Not printed: see enclosure in No. 71. § No. 119 in Dominions No. 75. || Nos. 118 and 120 in Dominions No. 75. ¶ No. 123 in Dominions No. 75.

It was also the practice for the Secretary of State to consult the Governments of each of the Colonies and Protectorates (as well as the Governments of the self-governing Dominions) individually, before notice of accession was given on their behalf.

4. So long as this practice continues, it would seem to constitute a safeguard sufficient to enable effect to be given to your Ministers' proposals. At the same time it would, I think, be convenient if the [Commonwealth] [New Zealand] Government could also arrange to communicate any views which they may hold as to the desirability, or otherwise, of the application to the Colonies and Protectorates in the Pacific, of any new Treaty or commercial arrangement at the time when they themselves are in correspondence with His Majesty's Government in regard to it.

5. As regards existing Treaties, the main territories in the Pacific which are concerned are the Colony of Fiji, the Gilbert and Ellice Islands Colony, the Solomon Islands Protectorate, and Tonga.

6. I enclose, for the information of your Ministers, a memorandum showing:—

(i) The Commercial Treaties in force in the Colony of Fiji and the Gilbert and Ellice Islands Colony.

[These are arranged in two groups, viz., (a) Treaties applying to the Colonies generally; (b) Treaties in force by adherence.]

(ii) The Commercial Treaties in force in the Solomon Islands Protectorate by adherence.

His Majesty's Government are advised that adherence to Treaties in respect of the Gilbert and Ellice Islands, at a time when they formed a Protectorate, apply to them also, as a Colony, since their annexation in 1915.

7. As regards Tonga, there is now only one Treaty in force with a foreign Power, viz., the Treaty with France of 1855 (State Papers Vol. 65 (1873 and 1874), p. 373).

8. I would add that the Treaties described in the memorandum enclosed as "in force as applying to the Colonies generally" would, of course, become automatically applicable to the Solomon Islands Protectorate and to Tonga should it be decided, at some future date, that it was desirable for these territories to become, as in the case of the Gilbert and Ellice Islands, part of His Majesty's dominions.

9. A similar despatch is being sent to the Governor-General of [New Zealand.] [the Commonwealth of Australia.]

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 71.

I. LIST OF COMMERCIAL TREATIES IN FORCE IN THE COLONY OF FIJI, AND GILBERT AND ELLICE ISLANDS COLONY.

(a) Treaties in force as applying to the Colonies generally.

Country.	Date.	Description.
Abyssinia	11th May, 1897	Trade, etc.
Argentine Republic	2nd February, 1825	Commerce, etc.
Colombia	16th February, 1866	Commerce, etc.
Costa Rica	27th November, 1849	Commerce, etc.
Denmark	13th February, 1660	Commerce, etc.
Denmark	11th July, 1670	Commerce, etc.
France	26th January, 1826 (additional articles)	Commerce, etc.
France	18th September, 1897.	Relative to Tunis
Greece	10th November, 1886	Commerce, etc.
Greece	[10th] [23rd] November. 1904	Commercial matters
Italy	15th June, 1883	Commerce, etc.
Liberia	21st November, 1848	Commerce, etc.
Mexico	27th November, 1888	Commerce, etc.
Morocco	9th December, 1856	General Treaty
Morocco	9th December, 1856	Commerce
Muscat	19th March, 1891	Commerce
Paraguay	16th October, 1884	Commerce
Paraguay	Declaration of 14th March,	Commerce

	1908	
Persia	4th March, 1857	Commerce
Persia	9th February, 1903	Commerce
Persia	21st March, 1920	Commerce
Peru	10th April, 1850	Commerce
Siam	18th April, 1855	Commerce, etc.
Siam	13th May, 1856	Commerce, etc.
Spain	[20th] [29th] June, 1894 [28th] [29th] December	Commerce, etc.
	(Notes)	
Sweden	11th April, 1654	Peace and Commerce
Sweden	17th July, 1656	Commerce
Sweden	21st October, 1661	Peace and Commerce
Sweden	5th February, 1766	Commerce and Alliance
Sweden	18th March, 1826	Commerce, etc.
Norway	18th March, 1826	Commerce, etc.
Switzerland	6th September, 1855	Commerce and Residence
Tonga	29th November, 1879	Friendship, etc.
Venezuela	18th April, 1825	Commerce, etc.

(b) *Treaties in force in the Colony of Fiji and the Gilbert and Ellice Islands Colony by Adherence.*

Country.	Date.	Description.
Bolivia*	1st August, 1911	Commerce
Egypt	29th October, 1889	Commerce
Serbia†	7th February, 1907	Commerce

II. LIST OF COMMERCIAL TREATIES TO WHICH THE SOLOMON ISLANDS PROTECTORATE HAS ADHERED.

Country.	Date.	Description.
Egypt	29th October, 1889	Commerce
Serbia†	7th February, 1907	Commerce

21820

No. 72.

THE SECRETARY OF STATE TO THE ACTING HIGH COMMISSIONER FOR THE WESTERN PACIFIC.

(Secret.)

SIR, Downing Street, 11th June, 1921.

I HAVE the honour to transmit to you, for your information and guidance, a copy of correspondence,† as noted in the margin, with the Officers Administering the Government of the Commonwealth of Australia and New Zealand on the subject of the Treaty rights of aliens in British Possessions in the Pacific.

Telegram Governor-General Commonwealth, 18th July, 1920.
Governor-General, Commonwealth, 13th July, 1920.
Governor-General, New Zealand, 1st September, 1920.
To Governors-General, Commonwealth, New Zealand, 13th May

I have, &c.,
WINSTON S. CHURCHILL.

* Gilbert and Ellice Islands have not adhered.

† This Treaty is binding on the Serb-Croat-Slovene State, under Article XII of the Treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State of 10th September, 1919 (Treaty Series, 1919, No. 17). (See No. 239.)

‡ Nos. 118, 120 and 123 in Dominions No. 75 and No. 71 in this volume.

CENTRAL EUROPEAN FRONTIERS TREATY.

Accession of Serb-Croat-Slovene State.

(Treaty Series 1921, No. 20.)

G3456

No. 73.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 33.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 19th January, 1921.

WITH reference to my despatch Dominions No. 462, of the 9th November, 1920,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a note from the Serb-Croat-Slovene Minister, dated the 21st December, declaring the unconditional accession of the Serb-Croat-Slovene Government to the Central European Frontiers Treaty.

I have, etc.,

MILNER.

Enclosure in No. 73.

No. P/124/3990.

Legation of The Kingdom of Serbs, Croats and Slovenes, London.
Le 21 décembre, 1920.

LE soussigné, Ministre du Royaume des Serbes, Croates et Slovènes a l'honneur de porter à la connaissance de Son Excellence Earl Curzon of Kedleston, Secrétaire d'Etat aux Affaires Etrangères, ce qui suit :

"La Légation du Royaume des Serbes, d'ordre du Gouvernement Royal, a l'honneur de porter à la connaissance du Ministère des Affaires Etrangères de Sa Majesté Britannique que le Gouvernement Royal serbo-croato-slovène déclare par la présente accéder au nom du Royaume des Serbes, Croates et Slovènes, sans aucune condition ni réserve, au Traité entre la Roumanie, l'Etat Serbo-Croato-Slovène et l'Etat Tchecoslovaque, relatif à certaines frontières de ces Etats, fait à Sèvres le dix août 1920."

Le soussigné, en communiquant cette Note à Son Excellence Earl Curzon of Kedleston, profite de l'occasion pour lui renouveler les assurances de sa considération la plus haute et la plus distinguée.

M. GAVRILOVITCH.

A Son Excellence Earl Curzon of Kedleston,
Secrétaire d'Etat aux Affaires Etrangères.

* No. 135 in Dominions No. 75.

EGYPT.

Proposed Commercial Treaty.

35650

No. 74.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 75.]

(Extract.)

SIR,

Downing Street, 26th August, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 14th of July,* forwarding one from the Board of Trade dealing with the proposed Commercial Treaty with Egypt.

2. The usual practice in the case of general Commercial Treaties is to word them in such a form that they are applicable to His Majesty's territories generally, and to take out the Oversea Dominions, etc., by means of the "Colonial Article." In one or two recent cases, however (e.g., the Treaties with Japan and Portugal), articles have been inserted in general Treaties of this kind relating only to the United Kingdom, with the result that questions have arisen, subsequently, whether such articles do, or do not, apply to a Dominion or Colony on adherence.

3. In the case of the draft Commercial Treaty with Egypt the case is different. The majority of the Articles, viz., Articles I, III, IV, VI, VIII, and IX refer only to the United Kingdom. Article II, however, is in general terms, and Article VII refers to "the territories of either of the High Contracting Parties."

* 35650: not printed: it enclosed the draft of a proposed Treaty containing the following Articles:

ARTICLE II.—The Contracting Parties agree that in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever which one Contracting Party has actually granted, or may hereafter grant, to the natives of any other State shall be immediately and unconditionally extended to the natives of the other Contracting Party.

ARTICLE VII.—No internal duties levied for the benefit of the State, local authorities, or corporations in respect of the production, manufacture, or consumption of any article in the territories of either of the Contracting Parties, shall for any reason be a higher or more burdensome charge on articles the produce or manufacture of the other than on similar articles of native origin.

The produce or manufacture of either of the Contracting Parties imported into the territories of the other, and intended for warehousing or transit, shall not be subjected to any internal duty.

ARTICLE XI.—The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates beyond the Seas, unless notice of the desire of His Majesty's Government that the said stipulations shall apply to any such self-governing Dominion, Colony, Possession, or Protectorate, shall have been given by His Britannic Majesty's Representative at Cairo before the expiration of two years from the date of the exchange of the ratifications of the present Treaty.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's Dominions, Colonies, Possessions, and Protectorates, shall enjoy in Egypt complete and unconditional most-favoured-nation treatment, so long as such Dominion, Colony, Possession, or Protectorate shall accord to goods the produce or manufacture of Egypt treatment as favourable as it gives to the produce or manufacture of any foreign country.

ARTICLE XII.—The present Treaty replaces the provisions of the Commercial Convention of 29th October, 1889, between Great Britain and Egypt so far as regards all territories to which the said Treaty applies.

ARTICLE XIII.—The present Treaty shall be ratified, and the ratifications shall be exchanged at as soon as possible. It shall come into force immediately upon ratification, and shall be binding during twenty years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of twenty years, of its intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have denounced it.

As regards, however, the British self-governing Dominions, Colonies, Possessions and Protectorates to which the stipulations of the present Treaty shall have been made applicable under Article X, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

4. It appears to Mr. Churchill to be preferable that, in cases of this kind where most of the Articles of a Treaty are so worded in the first instance as to apply, on the British side, only to the United Kingdom, all the Articles should be similarly worded. It would then be clear if the stipulations of the Treaty are subsequently extended to any Dominion or Colony that all the stipulations embodied in the Treaty are applicable. Mr. Churchill would accordingly suggest that Articles II and VII of the draft Treaty with Egypt should be amended so as to make it clear that they apply, in the first instance, only to the United Kingdom.

5. Mr. Churchill further suggests that the wording of Article XI might in the circumstances with advantage be altered so as to read as follows:—

"The stipulations of the present Treaty relating to the United Kingdom may be extended at any time before the expiration of two years from the date of the exchange of ratifications to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates beyond the Seas, upon notice being given by His Britannic Majesty's Representative at Cairo of the desire of the Government of such self-governing Dominion, Colony, Possession, or Protectorate that the said stipulations shall be so extended. Nevertheless," etc., etc.

The wording proposed above would involve consequentially the substitution of the word "extended" for the words "made applicable" in the second paragraph of Article XIII.

6. Article XII of the draft Treaty states that it replaces the provisions of the 1889 Convention "so far as regards all territories to which the said Treaty applies." Mr. Churchill is in some doubt as to the precise meaning of the latter words, but if, as would appear, they mean that the parts of the Empire which are bound by the old Treaty are to be bound by the new, Article XI would have no immediate application either to New Zealand or to Newfoundland (both of which are now parties to the 1889 Convention), and it would be necessary to consult both the Dominion and the Colony before the new Treaty is completed. Mr. Churchill would suggest that it would be preferable to omit the words "so far as regards all territories to which the said Treaty applies" at the end of Article XII, and thus to place New Zealand and Newfoundland in the same position as the other parts of the Empire under Article XI. Should this proposal be agreed to, it would only be necessary to explain to the Governments of New Zealand and Newfoundland the intention to frame a new Treaty, and to obtain their concurrence in the wording of Article XI. Mr. Churchill does not anticipate that any difficulty would arise in obtaining this concurrence.

7. Mr. Churchill notes that in Articles I and II of the draft Treaty the expression "natives" is used. The term is in accordance with the wording of the Treaty of 1889, but the usual expression in such an Article as I would be "native subjects," and in such an Article as II, it would be "subjects or citizens of any other State" and "subjects (or citizens) of the other Contracting Party." The recent Agreements with Persia and Esthonia use the expression "nationals," and this expression has commonly been used in the Treaties of Peace and connected instruments. If, however, the term "subjects" is permissible in Article IX (*ad fin*) of the draft Treaty, there would appear to be no reason why the usual phraseology, as indicated at the commencement of this paragraph, should not be followed.

9. A copy of this letter is being sent to the Board of Trade and the India Office.

I am, &c.,
HENRY LAMBERT.

49182

No. 75.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th October, 1921.)

[Answered by No. 76.]

SIR,

Foreign Office, S.W.1, 3rd October, 1921.

I AM directed by the Marquess Curzon of Kedleston to forward, for the information of the Secretary of State for the Colonies, the accompanying letter of the

26th ultimo from the Board of Trade, commenting on the amendments to the draft Commercial Convention between Great Britain and Egypt suggested in your letter of the 26th August.*

2. A revised draft of the Convention† embodying the amendments up to date is also enclosed, and I am to inquire whether Mr. Secretary Churchill concurs in the alterations to Articles XII and XIII, embodied therein at the suggestion of the Board of Trade.

3. It will be observed that in accordance with the proposal of the Colonial Office the word "nationals" has been substituted in Articles I and II for "natives" and in Article X for "subjects."

4. Should the draft in its present form meet with Mr. Churchill's approval, Lord Curzon would be grateful if he would take the earliest possible opportunity of consulting the Governments of New Zealand and Newfoundland with a view to obtaining their concurrence in the articles concerning them.

I am, &c.,

LANCELOT OLIPHANT.

* No. 74.

† Not printed, the revised draft contained the following Articles:—

ARTICLE II. The Contracting Parties agree that in all matters relating to commerce, industry and navigation, any privilege, favour, or immunity whatever which one Contracting Party has actually granted, or may hereafter grant, to the natives of any other State shall be immediately and unconditionally extended to the nationals of the other Contracting Party.

ARTICLE VII.—The stipulations of the present Treaty with regard to the mutual accord of the treatment of the most-favoured-nation in the United Kingdom and Egypt respectively apply unconditionally to the treatment of commercial travellers and their samples. The Chambers of Commerce, as well as such other Trade Associations and other recognized Commercial Associations in either country as may be authorized in this behalf, shall be mutually accepted as competent authorities for issuing any certificates that may be required for commercial travellers.

Articles imported by commercial travellers as samples shall, in each country, be temporarily admitted free of duty on compliance with the Customs regulations and formalities established to assure their re-exportation on the payment of the prescribed customs duties if not re-exported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon re-exportation.

The marks, stamps, or seals placed upon such samples by the Customs authorities of one country at the time of exportation, and the officially attested list of such samples containing a full description thereof issued by them, shall be reciprocally accepted by the Customs officials of the other as establishing their character as samples and exempting them from inspection, except so far as may be necessary to establish that the samples produced are those enumerated in the list. The Customs authorities of either country may, however, affix a supplementary mark to such samples in special cases where they may think this precaution necessary.

ARTICLE XII.—The stipulations of the present Treaty may be extended at any time before the expiration of two years from the date of the exchange of the ratifications to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates beyond the Seas, upon notice being given by His Britannic Majesty's Representative at Cairo to that effect.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's Dominions, Colonies, Possessions, and Protectorates, shall enjoy in Egypt complete and unconditional most-favoured-nation treatment, so long as such Dominion, Colony, Possession, or Protectorate shall accord to goods the produce or manufacture of Egypt treatment as favourable as it gives to the produce or manufacture of any foreign country.

ARTICLE XIII.—From the date of the coming into force of the present Treaty, the provisions of the Commercial Convention of 29th October, 1899, between Great Britain and Egypt shall cease to have effect so far as regards all territories to which the said Treaty applies.

ARTICLE XIV.—The present Treaty shall be ratified, and the ratifications shall be exchanged at as soon as possible. It shall come into force immediately upon ratification, and shall be binding during the twenty years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of twenty years, of its intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have denounced it.

As regards, however, the British self-governing Dominions, Colonies, Possessions and Protectorates to which the stipulations of the present Treaty shall have been made applicable under Article XII, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

Enclosure in No. 75.

(Extract.)

Board of Trade (Commercial Relations and Treaties Department),

Sir, Great George Street, London, S.W.1, 26th September, 1921.

With reference to your letter of the 2nd September on the subject of the contemplated Commercial Convention between Great Britain and Egypt, I am directed by the Board of Trade to state that they have given careful consideration to the observations contained in Colonial Office letter of the 26th August to your Department on the subject.

As regards the point raised in paragraphs 3, 4 and 5, of Colonial Office letter, the Board see no objection to the proposal that the Treaty should be so altered as to be one between the United Kingdom and Egypt, with power on the part of the Dominions, Colonies, &c., to demand that its provisions shall be "extended" to them. The Board would, however, suggest that in the amended form of Article XI (XII in the revised draft) proposed in paragraph 5 of Colonial Office letter the words "of the desire of the Government . . . extended" should be omitted, and replaced by "to that effect." The Clause in question will then read:—

"The stipulations of the present Treaty relating to the United Kingdom may be extended at any time before the expiration of two years from the date of the exchange of ratifications to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates beyond the Seas, upon notice being given by His Britannic Majesty's Representative at Cairo to that effect."

As regards paragraph 6 of Colonial Office letter, the Board would observe that that Department is mistaken in supposing that the words quoted from Article XII (which is Article XIII in the revised Draft forwarded to your Department under cover of letter of the 15th July) were intended to make the new Treaty binding at once on the Colonies, &c., who were parties to the old Treaty. On the contrary, they were intended to prevent these Colonies, etc., from continuing to claim the advantages of the old Treaty (e.g., limitation of import duties to 8 per cent.) after the new Treaty had come into force as regards the United Kingdom. The intention was that they would be bound by the new Treaty only if they adhered under the provisions of the preceding Article. If the words "so far as regards all territories to which the said Treaty applies" were simply omitted it appears to the Board that it might be argued that the adhesion of these Colonies, etc., to the old Treaty still gave them rights under that Treaty until after the lapse of one year's denunciation, for which that Treaty and the supplementary Agreement thereto provide. This point, however, might be met, and the criticisms of the Colonial Office on the present wording obviated if the Article in question were re-drafted to read:—

"From the date of the coming into force of the present Treaty, the provisions of the Commercial Convention of 29th October, 1899, between Great Britain and Egypt, shall cease to have effect so far as regards all territories to which the said Treaty applies."

It will, no doubt, be necessary to consult the Governments of New Zealand and Newfoundland (which are the only self-governing Dominions adherent to the old Treaty) before this provision is included.

As regards paragraph 7 of Colonial Office letter the question of the retention of the word "Natives" and the substitution therefor of the phrase "native subjects" raises issues of a purely political description, which are for Lord Curzon to consider. In the Board's draft, the word "native" was retained with the idea of not making any more changes than were necessary in the wording of the new Treaty as compared with the old.

I have, &c.,

H. FOUNTAIN.

The Under-Secretary of State,
Foreign Office, S.W.1.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 9th November, 1921.
I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 3rd October,* relating to the proposed new Commercial Convention between Great Britain and Egypt.

2. Mr. Churchill notes that, in the revised draft of this Convention, Article VII has been amended with a view to making it clearer that all the provisions of the Convention apply, on the British side, in the first instance, only to the United Kingdom. No corresponding alteration has, however, been made in Article II, and Mr. Churchill would be glad if the wording of the latter clause could be further considered.

3. As regards Article XII of the revised draft, Mr. Churchill still prefers the wording suggested in paragraph 5 of the letter from this Department of 26th August,† and he hopes that it may be found possible to adopt this wording, together with the consequential alteration in paragraph 2 of Article XIV of the revised draft (see end of paragraph 5 of Colonial Office letter of 26th August).

4. Mr. Churchill accepts the suggestion in the Board of Trade letter of 26th September‡ as to the wording of Article XIII of the revised draft, except that, in his opinion, the concluding words should be "... cease to have effect as regards all territories to which the said Convention applies."

5. The word "nationals" having been substituted for the word "natives" in the last line of Article II of the revised draft, corresponding alterations would appear to be required in other places in the draft, viz., Article I, lines 5 and 9, Article II, line 4, and Article IX, last line but one. It is observed that the word "subjects" is retained in Article X, line 8.

6. I am to enclose drafts of telegrams on the subject of the new Convention which, subject to Lord Curzon's concurrence, Mr. Churchill proposes to send to the Governor-General of New Zealand and Governor of Newfoundland.

7. A copy of this letter, and of the draft telegrams, is being sent to the Board of Trade and the India Office.

I am, &c.
HENRY LAMBERT.

Enclosure 1 in No. 76.

DRAFT TELEGRAM TO THE GOVERNOR-GENERAL OF NEW ZEALAND AND THE GOVERNOR OF NEWFOUNDLAND.

NOVEMBER. In connexion with negotiations now proceeding as to future relations with Egypt, proposed to frame new Commercial Treaty based generally on 1889 Convention, but containing following fresh stipulations:—

(a) Treaty to continue in force for twenty years.
(b) During this period Egyptian import duties not to exceed twelve and a-half per cent., *ad valorem*, except as regards tobacco, sugar, tea, coffee, and alcoholic liquors. Provision regarding most-favoured-nation treatment imports continued. (These provisions involve that actual coming into force of new duties, Egypt would be dependent on their acceptance by other Powers enjoying Treaty rights there.)

(c) Egyptian export duties raised to two per cent. Provisions regarding most-favoured-nation treatment, exports, continued.

(d) Article inserted requiring adhesion of Egypt to certain international Conventions, subject to qualifications necessary whilst capitulations continue.

Proposed that new Treaty shall replace 1889 Convention as regards all territories to which latter extends, but shall apply, in first instance, on British side to United Kingdom only, clause being added providing for:

(a) Extension to other parts of Empire on notification within two years of exchange ratifications;

(b) Possibility of withdrawal of such other parts at any time after twelve months' notice.

* No. 75. † No. 74. ‡ Enclosure in No. 75.

Enclosure 2 in No. 76.

DRAFT TELEGRAM TO THE GOVERNOR-GENERAL OF NEW ZEALAND AND THE GOVERNOR OF NEWFOUNDLAND.

NOVEMBER. My telegram of November, Egypt. As provisions of 1889 Convention apply to [New Zealand] [Newfoundland] should be glad to know by telegraph whether your Ministers see any objection to procedure proposed.

Note.—Owing to the failure of the general negotiations referred to (see Cmd. 1592) no further progress was made as regards the proposed Commercial Treaty, and these telegrams were not sent.

ENEMY DEBTS.

Agreement with Allied and Associated Powers under Article 296 (D) of Treaty of Peace with Germany.

(Treaty Series 1921, Nos. 18 and 19, and 1922 No. 3.)

3842

No. 77.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.30 a.m., 24th January, 1921.)

TELEGRAM.

24TH JANUARY. Your telegram 7th December.* Agreement with Belgium as to enemy debts. Government of New Zealand is unaware of any claims which would come within the provisions of the proposed Agreement affecting New Zealand Clearing House, but consents to the inclusion of New Zealand in Article I. High Commissioner for New Zealand is nominated to sign on behalf of New Zealand.—JELlicoe.

5773

No. 78.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.40 p.m., 4th February, 1921.)

TELEGRAM.

[Answered by No. 80.]

4TH FEBRUARY. Your telegram 7th December.* Enemy Debts Agreement with Belgium. Canada desires to be included in Agreement with Belgium under paragraph F, Article 296, Treaty, on the understanding that each country acts merely as agent for other and neither making profit, and each indemnifying other against losses resulting from Agreement (see paragraph 2, letter British Clearing Office to Belgium, dated 12th November†). High Commissioner for Canada is authorized to sign for Canada. Canada desires that similar arrangement with France, Italy, should apply to Canada on above understanding.—DEVONSHIRE.

6217

No. 79.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.45 p.m., 8th February, 1921.)

TELEGRAM.

[Answered by No. 84.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

8TH FEBRUARY. My telegram, 7th December,* Enemy Debts. Similar Agreement being negotiated with Siam. In the absence of intimation to the contrary, it will be assumed that inclusion of Governments of self-governing Dominions not desired.—SECRETARY OF STATE FOR THE COLONIES.

* No. 105 in Dominions No. 75.

† See Annex I to Protocol to Agreement as signed.

7869

No. 80.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.40 p.m., 22nd February, 1921.)

TELEGRAM.

[Answered by No. 82.]

22ND FEBRUARY. My telegram 7th December,* your telegram 4th February,† Enemy Debts Agreement with Belgium. Question of similar agreement with Greece under discussion. If agreement completed do your Ministers desire inclusion of Canada?—CHURCHILL.

7869

No. 81.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 4.40 p.m., 22nd February, 1921.)

TELEGRAM.

[Answered by Nos. 83, 85, 86 and 87.]

(Commonwealth of Australia.)
(New Zealand.)
(Newfoundland.)

22ND FEBRUARY. My telegram, 7th December,* Enemy Debts Agreement with Belgium. Should be glad to learn, as early as possible, your Ministers' views as regards similar agreements with France, Italy, and also Greece. Agreement with France now ready for signature. Question of agreements with Italy and Greece under discussion.—CHURCHILL.

10516

No. 82.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.10 a.m., 4th March, 1921.)

TELEGRAM.

3RD MARCH. Your telegram 22nd February,‡ Enemy debts. My Ministers state that it is considered desirable that Canada should enter into agreement with Greece similar to that already entered into with Belgium.—DEVONSHIRE.

10978

No. 83.
NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.5 a.m., 6th March, 1921.)

TELEGRAM.

5TH MARCH. Your telegram 22nd February,§ Enemy debts. Ministers desire that Newfoundland should be included in Agreement with France, Italy, Greece. Despatch|| follows by mail.—HARRIS.

* No. 165 in Dominions No. 75. † No. 78. ‡ No. 80. § No. 81. || No. 86.

11758

No. 84.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.8 p.m., 10th March, 1921.)

TELEGRAM.

10TH MARCH. Your telegram 8th February,* Agreement with Siam as to enemy debts. Commonwealth do not desire to be included.—GOVERNOR-GENERAL

12263

No. 85.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.0 a.m., 12th March, 1921.)

TELEGRAM.

12TH MARCH. Your telegram 22nd February,† Enemy Debts Agreement with France, Italy, and Greece. Government of New Zealand is not aware of any claims within the provisions of these agreements affecting New Zealand, but my Government is willing to be included if desired for uniformity among Dominions adopting Clearing Office system.—JELlicoe.

14265

No. 86.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 24th March, 1921.)

(No. 40.)

SIR,

Government house, St. John's, 5th March, 1921.

I HAVE the honour to acknowledge the receipt of your telegram of the 22nd February,‡ on the subject of the proposed Agreement with the Governments of France, Italy, and Greece under the Treaty of Peace with Germany in respect of enemy debts, and to confirm my telegram§ of this date to the effect that my Ministers desire that Newfoundland should be included in the proposed Agreement.

2. It will be observed that Ministers have departed from the line adopted in connexion with the agreement with Belgium as, upon reconsideration of the matter, they were advised that it might be well to have Newfoundland included, and so provide the necessary facilities should any cases arise in which Newfoundlanders were concerned.

I have, &c.,
C. ALEXANDER HARRIS.

17414

No. 87.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.15 a.m., 11th April, 1921.)

TELEGRAM.

11TH APRIL. With reference to your telegram 22nd February,† enemy debts, not desired that Australia be included in proposed agreement with France, Italy, and Greece.—GOVERNOR-GENERAL.

* No. 79. † No. 81. ‡ No. 83.

38316

No. 88.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 1.30 p.m., 3rd August, 1921.)

[Answered by Nos. 89, 91 and 92.]

TELEGRAM.

(Canada.)

(New Zealand.)

3RD AUGUST. Conventions with Belgium and France, enemy debts, signed 20th July. High Commissioner signing on behalf of your Government. Text of Convention with Belgium as stated in my telegram 7th December* with addition at end of Article 3 of words "or in case of Dominions, Colonies and Protectorates such other percentage as may under local regulations be chargeable to nationals of High Contracting Party effecting payment." Text of Convention with France same *mutatis mutandis* except for omission of words "in accordance with section B of Article 296" at end of first paragraph Article 3. In addition Protocol signed in both cases by which agreed that formalities relating to application of Convention shall be left to respective Clearing Offices, and that such application shall be in conformity with conditions agreed upon in notes exchanged between Directors of Offices dated 12th November, 25th November in case of Belgium, and 8th December, 27th January, 23rd March, 26th April, 2nd May in case of France.

Desired to ratify Conventions and Protocols of which text is being sent by mail, as soon as possible. Please telegraph whether your Ministers concur in ratification and publication.—SECRETARY OF STATE FOR THE COLONIES.

40519

No. 89.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.0 a.m., 13th August, 1921.)

TELEGRAM.

13TH AUGUST. Your telegram 3rd August.† Government of New Zealand concur in ratification and publication Conventions with Belgium and France regarding enemy debts.—JELlicoe.

41731

No. 90.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.10 p.m., 22nd August, 1921.)

TELEGRAM.

[Answered by Nos. 91 and 92.]

22ND AUGUST. Should be glad to receive an early reply to my telegram 3rd August,† Enemy Debts Conventions with Belgium and France. Considered essential that Conventions should be ratified and brought into force as soon as possible since, notwithstanding provisions of Article 6, it is possible that German Government may take advantage of Agreement mentioned in my telegram 6th August‡ and refuse to admit claims under Conventions unless lodged with creditor Clearing Office by 30th September.—SECRETARY OF STATE FOR THE COLONIES.

* No. 164 in Dominions No. 75 † No. 88. ‡ 39574: not printed; the Agreement provided that claims under Article 296 of the Treaty of Versailles might be lodged up to the 30th September, 1921.

46722

No. 91.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.58 p.m., 17th September, 1921.)

TELEGRAM.

17TH SEPTEMBER. Your telegram [? 3rd] 6th August,* Enemy Debts Conventions concluded between His Majesty and President of French Republic and His Majesty and King of the Belgians. Government of Canada concurs with proposed ratification of Conventions and in their publication. Despatch† follows by mail.—BYNG.

49031

No. 92.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3rd October, 1921.)

(No. 568.)

Sir,

Government House, Ottawa, 20th September, 1921.

With reference to your despatch of the 6th August last, No. 414,‡ and to my telegram of the 17th instant§ on the subject of certain matters arising under Article 296 of the Treaty of Versailles in relation to Enemy Debts, concluded at London the 20th day of July, 1921, between His Majesty and the President of the French Republic and between His Majesty and the King of the Belgians, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council, by which the Canadian Government concurs in the proposed ratification of the Conventions and in their publication.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 92.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 15TH SEPTEMBER, 1921.

(P.C. 3281.)

THE Committee of the Privy Council have had before them a Report, dated 26th August, 1921, from the Secretary of State for External Affairs, submitting that he has had under his consideration a despatch, dated 6th August, 1921, from the Right Honourable the Secretary of State for the Colonies, enclosing copies of two Conventions for the settlement of certain matters arising under Article 296 of the Treaty of Versailles in relation to Enemy Debts, concluded at London the twentieth day of July, nineteen hundred and twenty-one, between His Majesty and the President of the French Republic and between His Majesty and the King of the Belgians, and signed on behalf of Canada by Sir George H. Perley, High Commissioner for the Dominion, as well as copies of telegrams from the Colonial Office dated the 3rd and 22nd August respectively, urging the importance of early ratification of these Conventions.

Considering that such ratification is desirable, the Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies, by telegraph, that the Canadian Government concurs in the proposed ratification of the Conventions and in their publication.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

* No. 88 † No. 92. ‡ 38316: not printed; this transmitted copies of the Conventions. § No. 91.

ESTHONIA.

Commercial Agreement.
(Treaty Series 1920, No. 19.)

26241

No. 93.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 224.)
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[MY LORD DUKE.] [MY LORD.] [SIR.] Downing Street, 4th June, 1921.
WITH reference to my predecessor's despatch Dominions No. 17, of the 11th January,* I have the honour to transmit to [Your Royal Highness.] [Your Excellency.] [you,] for the information of your Ministers, copies of Notes exchanged between the Secretary of State for Foreign Affairs and the Estonian Minister for Foreign Affairs with regard to the Commercial Agreement of 20th July, 1920.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 93.

[M. PHIP (Estonian Ministry for Foreign Affairs) to EARL CURZON].
[EARL CURZON to M. KOPWILLEN.]

[MY LORD.] [SIR.] [Tallinn.] [Foreign Office.] 25th April, 1921.
IT being the desire of our respective Governments to place on record that the notes exchanged on the 20th July, 1920, were not intended in any way to override any international conventions by which either party might be bound, I have the honour to inform you that [the Estonian Government] [His Majesty's Government] do not regard the exchange of notes above mentioned as conferring any right or imposing any obligation which might conflict with any general international convention to which either [the Estonian Government or His Majesty's Government] [His Majesty's Government or the Estonian Government] is or hereafter may be a party.

I have, &c.,

[ANT. PHIP.]

[CURZON OF KEDLESTON.]

FINLAND.

(1) Proposed Commercial Agreement.

57130

No. 94.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th November, 1921.)

[Answered by letter of 10th February, 1922, in Dominions No. 87.]

SIR, Foreign Office, S.W.1, 15th November, 1921.
I AM directed by the Marquess Curzon of Kedleston to transmit to you herewith, for the information of Mr. Secretary Churchill, a copy of a despatch to His Majesty's Minister at Helsingfors, regarding a commercial treaty between the United Kingdom and Finland.

2. His Lordship would be glad to learn in due course what action you would wish to be taken on behalf of the Dominions, Colonies, and Protectorates.

I am, &c.

J. D. GREGORY.

* This forwarded a copy of Treaty Series 1920, No. 19.

Enclosure in No. 94.

(No. 319.)

SIR, Foreign Office, S.W.1, 15th November, 1921.
I TRANSMIT to you herewith a copy of a letter from the Board of Trade regarding the proposed commercial agreement between this country and Finland, together with copies of the draft notes in which the Board of Trade propose that it should be embodied.

2. I should be glad if you will now press for the conclusion of a provisional arrangement on these lines, as between His Majesty's Government and the Finnish Government.

3. I am consulting the Colonial and India Offices as to what supplementary action, if any, they would wish taken on their behalf.

I am, &c.,
(for the Secretary of State)
J. D. GREGORY.

E. A. Rennie, Esq., M.V.O.,
&c., &c., &c.

(C.R.T. 5674/21.)

Board of Trade (Commercial Relations and Treaties Department).
Great George Street, London, S.W.1, 29th October, 1921.
SIR, WITH reference to correspondence ending with your letter of the 14th October (No. N 11383/1705/56) respecting the commercial relations between the United Kingdom and Finland, I am directed by the Board of Trade to state that they have had the matter under further consideration in the light of the despatches which have recently been received from His Majesty's Minister at Helsingfors.

The Board note from Mr. Rennie's despatch of the 1st September that the Finnish Government desire to introduce into any Treaty between the two countries a reservation in favour of the trade between Finland and Estonia. This fact has led the Board somewhat to modify their previous view as to the difficulty of arranging for an exchange of notes in which the right of His Majesty's Government to impose special duties under the Safeguarding of Industries Act should be revived, as it would now seem possible to balance the one reservation against the other.

In all the circumstances they are of opinion, subject to the concurrence of Lord Curzon, that His Majesty's Minister at Helsingfors should now be instructed to press forward the conclusion of a provisional arrangement which would remove the prejudice to British trade resulting from the favours accorded to French trade under the recent Franco-Finnish Treaty, and I am accordingly to transmit to you herewith a draft of an exchange of Notes which might be submitted to the Finnish Government for their consideration.

Under the provisions of this arrangement the Finnish Government would be able, if they found themselves unduly prejudiced by the imposition of special duties on any Finnish goods under the Safeguarding of Industries Act, to withdraw at any time from the arrangement at three months' notice. For this reason indeed an exchange of Notes, which could be terminated at such short notice, might be easier to conclude than a Treaty, which, following the usual practice, would certainly not be terminable at less than a year's notice.

It might be explained to the Finnish Government that no special duty under the Safeguarding of Industries Act could in any event be imposed until an application had been received by the Board of Trade and referred by the Board to a Committee under the Act. As, moreover, the fact that a Committee has been set up to consider such an application must under the Act be publicly announced, the Finnish Government would at any time have a reasonable amount of notice as to the possibility of the Board of Trade being called upon to exercise their powers under the Act. The Board would even be prepared to undertake that in the event of any such Committee being set up, the Finnish Government should at once be notified through their representative in London.

The Finnish Government might further be informed that His Majesty's Government do not in any case contemplate the imposition of duties under Part II of the Safeguarding of Industries Act on materials such as timber or wood pulp, and that even if the Act be applied to Finnish goods it will be applied to manufactured goods only.

I am further to say that in the last resort the Board would even be prepared to agree to the addition, at the end of the draft exchange of Notes, of a final paragraph enabling the Finnish Government to denounce the arrangement at considerably shorter notice, say, one month, in the event of a duty being imposed on any Finnish goods under Part II of the Safeguarding of Industries Act; but they would suggest that this should be held back and only accorded as a very special concession should it appear that the conclusion of an arrangement could be greatly facilitated thereby.

Lord Curzon will observe that the accompanying draft applies to the United Kingdom only and not to other parts of the Empire. They presume that there is no objection to an arrangement so limited when this is of a purely temporary character and destined to be superseded eventually by a permanent Treaty which would, of course, have in some form to provide for application to the Dominions and Colonies, though it is understood that the exact form of the appropriate provision in such a Treaty has not yet been settled between your Department and the Colonial Office. The point is, however, one on which Lord Curzon may desire to consult the Colonial and India Offices; should either of these Departments nevertheless desire that some provision should be made for extending the temporary arrangement to other parts of the Empire, Lord Curzon will no doubt arrange for the preparation in consultation with that Department of the draft of an Article for insertion in the exchange of Notes.

In view, however, of the advantages which are being enjoyed by French goods in Finland as a result of the Franco-Finnish Treaty, the Board regard the matter as one of some urgency, and they would regret any delay in the conclusion of a simple arrangement of the kind suggested in this letter.

I have, &c.,
H. FOUNTAIN.

The Under Secretary of State,
Foreign Office, S.W.1.

DRAFT EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT AND THE FINNISH GOVERNMENT RESPECTING COMMERCIAL RELATIONS.

SIR,

It being the desire of our respective Governments to establish close commercial relations between the United Kingdom and Finland, and with this object to conclude a Treaty of Commerce and Navigation between the two countries, I have the honour to inform you that pending the termination of negotiations towards this end my Government is prepared to undertake on condition of reciprocity that British (Finnish) nationals, and goods the produce or manufacture of the United Kingdom (Finland) shall enjoy in Finland (the United Kingdom) treatment which, subject to the special resolutions referred to in paragraphs 4, 5 and 6 of this Note, shall be at least as favourable in all respects as that accorded to the nationals and goods the produce or manufacture of the most-favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation as regards importation, exportation and transit, and in general in all that concerns Customs duties and formalities and commercial operations, the establishment of British subjects in Finland (Finnish citizens in the United Kingdom) the exercise of commerce, industry and professions and the payment of taxes.

2. British (Finnish) vessels will enjoy in the ports, rivers and territorial waters of Finland (the United Kingdom) treatment not less favourable than that accorded to Finnish (British) vessels or to vessels of the most-favoured foreign country, subject, however, to the right of the Finnish (His Britannic Majesty's) Government to reserve the coasting trade to Finnish (British) vessels.

3. The Finnish Government (His Britannic Majesty's Government) further undertake on condition of reciprocity to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from the United Kingdom (Finland) over Finnish territory (the United Kingdom), including territorial waters, and to treat them at least as favourably as Finnish (British) persons, goods, vessels, carriages, wagons and mails respectively, or those of any other more favoured nationality, origin, importation or ownership as regards facilities, charges, restrictions, and all other matters.

4. As an exception from the general undertaking given by His Britannic Majesty's Government to accord most-favoured-nation treatment to Finnish commerce, it is understood that the Finnish Government will raise no objection to the

imposition in the United Kingdom of a special Customs duty of 33 per cent., *ad valorem*, on specified articles of Finnish origin not applicable to similar articles the produce or manufacture of other foreign countries in pursuance of legislation of general application enabling the imposition of such a duty on articles the produce or manufacture of any country where such articles are being sold or offered for sale in the United Kingdom at prices which, by reason of depreciation in the value, in relation to sterling, of the currency of the country in which the articles are produced or manufactured, are below the prices at which similar articles can be profitably produced or manufactured in the United Kingdom, and that by reason thereof employment in the United Kingdom is being or is likely to be seriously affected.

5. As an exception from the general undertaking given by the Finnish Government to accord most-favoured-nation treatment to the commerce of the United Kingdom, it is understood that His Britannic Majesty's Government will not claim the benefit of any Customs preferences or facilities of whatever nature which are or may be granted by Finland to Esthonia in regard to Esthonian goods with a view to continuing the local trade which has existed between the two countries for some hundreds of years.

6. It is further understood that nothing in this Agreement shall be held to confer any right or impose any obligation upon either party which might be in conflict with any general international convention to which the Finnish Government or His Britannic Majesty's Government is, or hereafter may be, a party.

7. Effect will be given immediately to the undertaking contained in this Note, and will continue to be so given until the conclusion of a definitive Treaty of Commerce and Navigation between the two countries, subject, however, to the right of either Party at any time to give notice to the other to terminate the arrangement, such notice to expire three months from the date on which it is given.

(2) Proposed Extradition Treaty. Application of Extradition Treaties to Mandated Territories.

3061

No. 95.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 27th January, 1921.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's Confidential despatch of the 30th of November, 1920,* on the subject of the draft Extradition Treaty with Finland, covering a Minute from Ministers on the question of the application of Extradition Treaties in future to the territories administered by the self-governing Dominions under mandates.

2. It is assumed that your Ministers' suggestion will be acceptable to the other self-governing Dominions concerned. His Majesty's Government, on their part, think it desirable that similar provision should be made for the territories administered by this country under the mandate system. It is therefore proposed, when the observations of the Finnish Government on the draft Extradition Treaty with Finland have been received, to give further consideration to the matter, with a view to the draft Treaty being amended accordingly before it reaches its final form.

3. I am communicating with the Governor-General of the Commonwealth and the Governor-General of New Zealand to the same effect.

I have, &c.,
MILNER.

* No. 173 in Dominions No. 75.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by Nos. 97 and 98.]

(Commonwealth of Australia. Confidential.)
(New Zealand. Confidential.)

SIR, Downing Street, 27th January, 1921.
WITH reference to my Confidential despatch Dominions No. 397 of the 13th of September, 1920,* on the subject of the draft Extradition Treaty with Finland, I have the honour to transmit to Your Excellency, for the information of Your Ministers, the accompanying copy of a despatch† from the Governor-General of the Union of South Africa, which raises the question of the application of Extradition Treaties in future to territories administered by the self-governing Dominions under mandates.

It is assumed that the suggestion of the Union Government will be acceptable to your Government.

His Majesty's Government, on their part, think it desirable that similar provision should be made for the territories administered by this country under the mandate system.

It is therefore proposed, when the observations of the Finnish Government on the draft Extradition Treaty with Finland have been received, to give further consideration to the matter with a view to the draft Treaty being amended accordingly before it reaches its final form.

I have, &c.,
MILNER.

29733

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 15th June, 1921.)

(Confidential.)

SIR, Government House, Wellington, 9th May, 1921.
WITH reference to your predecessor's Confidential despatch of the 27th January,‡ on the subject of the draft Extradition Treaty with Finland, I have the honour to inform you that my Government is of opinion that it is desirable that Extradition Treaties in future should contain some provision under which they could be made applicable to territories administered by self-governing Dominions under mandates in pursuance of the provisions of the Treaty of Versailles, 1919.

I have, &c.,
JELLICOE,
Governor-General.

39861

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th August, 1921.)

(Confidential.)

SIR, Governor-General's Office, Melbourne, 13th June, 1921.
WITH reference to Viscount Milner's Confidential despatches dated the 13th September, 1920, Dominions No. 397,* and 27th January, 1921,‡ on the subject of

* No. 172 in Dominions No. 75. † No. 173 in Dominions No. 75. ‡ No. 96.

the draft Extradition Treaty with Finland, I have the honour to inform you that I am advised by my Acting Prime Minister that the Commonwealth Government desires to take advantage of Section 17 of the Treaty, and is in full accord with the suggestion of the Government of the Union of South Africa that Extradition Treaties, in future, should contain some provision under which they can be made applicable to territories administered by the self-governing Dominions under mandates.

I have, &c.,
FORSTER,
Governor-General.

FRANCE.

(1) Anglo-French Convention, 1882.

59098

BOARD OF TRADE TO COLONIAL OFFICE.

(Received 29th November, 1921.)

[Answered by letter of 10th February, 1922, in Dominions No. 87.]

SIR, Board of Trade (Commercial Relations and Treaties Department),
Great George Street, London, S.W.1, 26th November, 1921.
I AM directed by the Board of Trade to state that an unofficial inquiry has reached them from Mr. E. L. Piesse of the Prime Minister's Department of the Government of the Commonwealth of Australia as to whether the Convention of 1882 between this country and France, to regulate the commercial and maritime relations between the two countries, applies to the Dominions and Colonies of each party, and in particular whether Article X of the Convention so applies.

Mr. Secretary Churchill will observe that most of the provisions of the Convention in question relate specifically to the United Kingdom on the one hand and to France and Algeria on the other. Certain provisions are, however, couched in more general terms, e.g., paragraph 2 of Article I, Article III, Article V, Article VIII and Article XI. Article X provides that "the subjects of each of the two High Contracting Parties shall in the dominions of the other enjoy the same protection and be subject to the same conditions as native subjects in regard to the rights of property in trademarks, names of firms, and other distinctive marks showing the origin or quality of goods, as well as in patterns and designs for manufacture." Although it might possibly be argued that, as the most important provisions of the Convention are confined to the United Kingdom, the intention is that the whole Convention should so apply, the Board find it difficult to place any other interpretation on Article X than that it applies generally to all parts of the Empire.

Mr. Churchill will be aware that a Protocol was signed in 1912 enabling the self-governing Dominions to withdraw from the Additional Articles of the Convention of 1826, but no such provision appears to have been made as regards the Convention of 1882. The Convention of 1882 has, however, been denounced by the French Government, and is now terminable on three months' final notice being given by either party.

The Board would, therefore, propose to inform Mr. Piesse, through His Majesty's Senior Trade Commissioner in Australia, that, in the view of His Majesty's Government, Article X of the Convention does apply to the British and French Dominions and Colonies respectively; that a similar interpretation may, though with less certainty, be placed on the other provisions of the Convention specifically enumerated above, but that the remaining provisions of the Convention apply only to the United Kingdom on the one hand and to France and Algeria on the other.

Mr. Piesse has also asked whether France has denounced the Convention, and the Board would propose to inform him of the position in this respect.

I am to inquire whether the views expressed in the preceding paragraphs, and the action which it is proposed to take, have Mr. Churchill's concurrence, or whether he desires to offer any observations thereon.

I have, &c.,
H. FOUNTAIN.

(2) Franco-Canadian Commercial Agreement, 1921.
(Treaty Series 1921, No. 16.)

9908

No. 100.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 117.)

MY LORD DUKE,

Downing Street, 9th March, 1921

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the original copy of the Franco-Canadian Commercial Agreement recently negotiated by Sir G. Foster, duly signed by His Majesty's Ambassador at Paris and by Monsieur Briand and Monsieur Isaac on behalf of the French Government.

2. It will be seen that the agreement requires signature by Sir George Foster. The duplicate copy, which already contains the signature of Sir George Foster in addition to the other signatures, has been retained by the French Government.

3. I also enclose a copy of correspondence between the Secretary of State for Foreign Affairs and His Majesty's Ambassador at Paris.

I have, &c.,

(For the Secretary of State).

L. S. AMERY.

Enclosure 1 in No. 100.

ARRANGEMENT COMMERCIAL ENTRE LA FRANCE ET LE CANADA.

EN attendant la conclusion d'une nouvelle convention de commerce, en vue de laquelle les négociations commenceront immédiatement, le Gouvernement français et le Gouvernement canadien ont convenu d'appliquer les dispositions suivantes :—

Article 1^{er}.—Le Canada appliquera à l'importation des produits originaires et en provenance de France les tarifs et taxes les plus favorables qu'il accorde ou pourra éventuellement accorder aux produits de toute Puissance tierce, à l'exception du Royaume-Uni, ainsi que des Dominions et Possessions britanniques.

Article 2.—Le Canada accordera de même le traitement de la nation la plus favorisée en ce qui concerne l'exportation, le transit, les droits de consommation et taxes intérieures.

Article 3.—Le Gouvernement français s'engage à proroger jusqu'à la conclusion de la nouvelle convention de commerce, au bénéfice des produits canadiens importés en France, l'application du régime prévu par les conventions de 1907 et 1909, sous réserve des modifications et additions prévues aux articles suivants.

Article 4.—Parmi les marchandises énumérées au tableau A annexé à la convention de 1907, celles qui sont énumérées à la liste I jointe au présent modus vivendi cesseront de bénéficier du tarif minimum. Elles jouiront à leur importation en France d'un pourcentage de réduction spécifié à ladite liste. Ce pourcentage portera sur la différence entre le taux du tarif général et celui du tarif minimum. Ce pourcentage restera le même quels que soient les abaissements ou relèvements des droits, coefficients ou surtaxes que la France pourrait instituer à l'avenir.

Article 5.—Outre les produits énumérés à la liste A de la convention de 1907 la France admettra les produits énumérés à la liste II jointe au présent modus vivendi au bénéfice du tarif minimum, ou au bénéfice d'un pourcentage de réduction, selon qu'il est déterminé par ladite liste. Ce pourcentage précisé par ladite liste, portera sur la différence entre le taux du tarif général et celui du tarif minimum. Ce pourcentage restera le même quels que soient les abaissements ou relèvements des droits, coefficients ou surtaxes que la France pourrait instituer à l'avenir.

Article 6.—Le présent arrangement restera en vigueur jusqu'à la conclusion d'une nouvelle convention commerciale, mais il sera à tout moment loisible à chacune des Hautes Parties Contractantes de le dénoncer moyennant préavis de quatre mois.

En foi de quoi, les délégués désignés à cet effet, ont signé le présent arrangement. Fait à Paris, en double exemplaire le 29 Janvier, 1921.

HARDINGE OF PENSHURST.

J. B. BRIAND.
AUG. ISAAC.

LISTE I.

PRODUITS CANADIENS QUI NE BÉNÉFICIERONT PLUS DU TARIF MINIMUM.

No. du Tarif.

205

Fonte; fonte brute de moulage et fonte d'affinage contenant moins de 25 % de manganèse. Ferro-manganèse contenant plus de 25 % de manganèse; ferro-silicium contenant plus de 5 % de silicium; silico-spiegel riche contenant au moins 30 % de silicium et de manganèse; ferro-chrome contenant 10 % de chrome ou plus; ferro-aluminium contenant 10 % d'aluminium ou moins. Ferro-aluminium contenant plus de 10 % et moins de 20 % d'aluminium ...

15 %

206

Fers bruts en massiaux, prismes ou barres. ...

15 %

207

Fer étiré en barres, fer d'angle et à T. essieux et bandages bruts de fonte. ...

15 %

213

Acier en barres ...

50 %

214

Essieux et bandages de roues bruts de forge en acier ...

50 %

216

Acier en tôles ou bandes brunes laminées à chaud; acier en tôles ou bandes blanches laminées à froid ...

50 %

484

Gants ...

50 %

567

Tubes en fer ou en acier, non soudés. Tubes en fer ou en acier, soudés. Raccords de toute espèce. Tubes en fer ou en acier, emboutis ou sans soudure ...

20 %

590

Meubles en bois courbé, montés ou non montés ...

50 %

ex 591

Meubles autres qu'en bois courbé: moulurés,

ex 592

cirés, vernis ou autres ...

50 %

ex 592 bis

Les autres positions du tarif, sous les mêmes numéros ne sont importables qu'au tarif général

ex 604

Pianos, orgues, harmoniums, instruments à anches libres métalliques à un ou plusieurs jeux.

50 %

ex 605

Orgues d'église, complètes, et pièces détachées ... Accessoires et pièces détachées des instruments de musique ci-dessus dénommés (Ex 604).

50 %

LISTE II.

PRODUITS CANADIENS QUI JOUIRONT DU TARIF MINIMUM OU D'UN POURCENTAGE DE RÉDUCTION.

No. du
Tarif.

Désignation des Produits.

Tarif Pourcentage
Minimum.

20 bis

Boyaux frais, secs ou salés ...

T.M.

ex 26

Plumes de parure apprêtées ou montées, autres plumes à lit brutes apprêtées et duvet brut ou apprêté ...

T.M.

ex 85

Prunes et abricots secs ...

T.M.

98

Chocolat ...

T.M.

ex 110

Huiles fixes pures; huile de lin; huiles autres ...

T.M.

160

Houblon ...

T.M.

161

Lupuline de houblon ...

T.M.

174 ter

Pommes et poires écrasées ...

T.M.

197

Huiles de pétrole, de schiste et autres huiles minérales propres à l'éclairage ...

T.M.

198

Huiles lourdes et résidus de pétrole et d'autres huiles minérales ...

T.M.

0117

Oxydes de cobalt impurs résidus du traitement de minerais argentifères contenant moins de 50 % de cobalt ...

T.M.

0118

Oxydes de cobalt autres (y compris safres et smalts) ...

T.M.

No. du Tarif.	Désignation des Produits.	Tarif Pourcentage. Minimum.
0119	Sels de cobalt hydratés (40 % d'eau au moins)	T.M.
0120	Sels de cobalt autres	T.M.
0205	Acétate ou pyrolignite de chaux	T.M.
ex 298	Vernis	20 %
312	Savons autres que ceux de parfumerie ...	T.M.
325	Colle d'os, de nerfs, de peau, etc. ...	50 %
510	Machines à vapeur fixes et machines de navigation toujours séparées de leurs chaudières; pompes à vapeur fixes; compresseurs d'air et de gaz divers, moteurs à gaz, à pétrole, à alcool à air chaud, à air comprimé et à tout autre mélange gazeux ou explosifs, et tous autres moteurs non dénommés	T.M.
522	Machines pour l'agriculture	T.M.
525	Machines-outils	50 %
525 quater	Machines à rincer, à boucher, à capsuler, à remplir les bouteilles	T.M.
526 quinquies	Chaudières découvertes, gazomètres, récipients en tôle de fer ou d'acier non galvanisé. Radiateurs pour calorifères, réchauds à gaz, à pétrole, à alcool	30 %
533	Pièces détachées de machines, de timonerie, de frein et de transmission, en fer ou en acier forgé ou estampé, en fer ou en acier moulé, en fonte malléable, et pièces détachées de cadres porteurs de châssis d'automobile en tôle d'acier emboutie ou soudée	T.M.
ex 535	Pièces détachées de cuivre pour machines agricoles	T.M.
535 bis	Pièces détachées de machines et de transmission non dénommées de deux ou plusieurs métaux tels que fer, acier, fonte, cuivre pur ou allié de tous métaux nommés aux articles précédents, tels que coussinets, robinets, et appareils accessoires pour eau, gaz, et vapeur ...	50 %
539	Clichés, planches et coins pour impression sur papier autre que de tenture avec ou sans dessin	T.M.
559	Serrures	40 %
559 bis	Cadenas	40 %
568	Articles de ménage et articles non dénommés	T.M.
	Emaillés-unis, étamés	
	Emaillés-décorés sans or, marbrés, ou granités sans or	
	Emaillés-décorés avec or, etc., en feuilles non ouvrés	
	Autres que les trois catégories ci-dessus.	30 %

Enclosure 2 in No. 100.

(No. 103.)

My Lord,

Foreign Office, S.W.1, 11th January, 1921.

As you are no doubt aware, Sir George Foster has recently been in Paris and has negotiated a Commercial Arrangement with the French Government on behalf of the Government of Canada. Sir George has been obliged to return to Canada at once, and before leaving Paris he settled with the French Government that if and when on his return to London he received the necessary authority from Ottawa he would sign the Arrangement in London on behalf of the Canadian Government and forward it to Paris, through the Foreign Office, for signature and retention by the French Government. The latter would then sign a duplicate copy of the Arrangement and forward it to Ottawa, through Your Excellency, for signature and retention by the Canadian Government.

2. I transmit to you, herewith, a copy of a letter from the Colonial Office covering correspondence with Mr. Doherty and Sir G. Foster, together with the copy of the Arrangement duly signed by Sir G. Foster. You will see from this correspondence that certain additions to the Arrangement are contemplated. I would suggest that you should communicate with Mr. Roy, the Canadian Commissioner in Paris, on the subject of these additions, and that they should then be dealt with by an exchange of notes between the French Government and yourself.

3. After the exchange of notes has taken place, it will be necessary to transmit to the French Government the copy of the Arrangement signed by Sir G. Foster. I consider that as a matter of form the precedent of previous Franco-Canadian Commercial Conventions and Arrangements should be followed, and that you should sign the Arrangement as well as Sir G. Foster. The full powers already in your possession will enable you to do this, and I request that you will act accordingly. This will, of course, also involve the signature by you of the copy of the Arrangement which you will receive from the French Government, and which you should then forward to me for transmission to the Colonial Office.

4. I should be grateful if you would deal with this matter as soon as possible.

I am, &c.,

G. H. VILLIERS.

His Excellency

The Lord Hardinge of Penshurst, K.G., G.C.B.,

&c., &c., &c.

Enclosure 3 in No. 100.

COLONIAL OFFICE TO FOREIGN OFFICE.

Sir,

Downing Street, 6th January, 1921.

I AM directed by Viscount Milner to transmit to you copy of a letter from Mr. Doherty, the Canadian Minister of Justice, transmitting a letter from Sir George Foster, the Canadian Minister of Trade and Commerce, covering a Commercial Arrangement between Canada and France, which Sir George Foster has negotiated with the French Government and has signed, and a memorandum indicating certain additions requiring to be made to Schedule 2 of the Arrangement.

2. Lord Milner will be much obliged if the text of the Arrangement signed by Sir George Foster may be sent to His Majesty's Ambassador at Paris, as desired, and if His Majesty's Ambassador's attention may be drawn to the points indicated in the memorandum and in Mr. Doherty's letter as requiring attention and consultation with Mr. Roy (the Canadian General Commissioner in Paris) before the text of the Arrangement signed by Sir George Foster is delivered to the French Government.

I am, &c.,

HENRY LAMBERT.

DEAR LORD MILNER, 19, Victoria Street, London, S.W.1, 5th January, 1921.

I AM transmitting to you, herewith, a letter from Sir George Foster, with the accompanying Convention with the French Government signed by him.

I understand from a telegram received from Mr. Roy, our Commissioner at Paris, that in addition to the articles mentioned in Schedule 2 of the Convention and those mentioned in the memorandum annexed to the Convention, there should be provision made for our having a preference of fifty per cent. of the difference between the maximum and minimum tariff on furniture made of bent wood, and on caned furniture a deduction of fifty per cent. of the sur-tax on the caning.

Will you kindly, when transmitting the Convention, ask the Ambassador to ascertain from Mr. Roy if my understanding is correct, and, if so, to have these matters covered by an interchange of notes or otherwise.

If I should be mistaken in regard to these items, the Convention may be delivered without their being added.

Yours very sincerely,

CHAS. J. DOHERTY.

The Right Honourable

Viscount Milner, G.C.B.,

Colonial Office, S.W.1.

DEAR LORD MILNER,

Carlton Hotel, London, 30th December, 1920.

I AM enclosing, herewith, an agreement which had been arrived at by myself and the Ministers of Commerce and Foreign Affairs of France with reference to a *modus vivendi* carrying on for a period the main features of the Convention of 1907-9, of which I spoke to you yesterday, and I would be much obliged if you would forward it to the Secretary of State for Foreign Affairs for transmission to the British Ambassador at Paris. The French Ministers have the duplicate of the agreement, and will sign it and forward to me at Ottawa for my signature, and they will sign this attached copy and retain for themselves.

I would be much obliged if this could be facilitated so as to occasion no delay in signatures and consequent completion of the Arrangement which has been arrived at by numerous pourparlers and concluded by me in Paris with the French Ministers on the 19th December.

Yours sincerely,
GEORGE E. FOSTER.

Lord Milner,
Secretary of State for the Colonies,
Downing Street, S.W.1.

MEMORANDUM.

THE attached agreement has been arrived at between Sir George Foster, Canadian Minister of Trade and Commerce, and the French Ministers of Foreign Affairs and Commerce. To List No. 2 is to be added: Oxides of Cobalt, T.M.; Salts of Cobalt, T.M.; Acetate of Lime, T.M.; which means "Minimum Tariff," and perhaps some others which may be agreed upon with the French Ministers as a result of further communications now being made. The French Ministers have the duplicate Agreement for signature, and will sign both copies and forward one to the Government at Ottawa.

Enclosure 4 in No. 100.

(No. 546. (C.))

MY LORD. British Embassy, Paris, 15th February, 1921.

WITH reference to your despatch No. 103, of the 11th ultimo, I have the honour to transmit to Your Lordship, herewith, copy of a note from the Ministry for Foreign Affairs, enclosing a copy of the Franco-Canadian Commercial Agreement,* which has been signed by Monsieur Briand and Monsieur Isaac, on behalf of the French Government, and by myself, on behalf of His Majesty's Government. I have also signed a copy of the Agreement, which is to be retained by the French Government.

As regards the articles to be added to List II annexed to the Agreement, as indicated in the memorandum attached to Sir George Foster's letter to Lord Milner, of which a copy was enclosed in your despatch under reply, it was agreed that these additions should not be dealt with by an exchange of notes, but that they should be inserted in the text of the list, which was accordingly re-copied in duplicate.

I also enclose, in accordance with the instructions contained in your despatch No. 430, of the 9th instant, copy of the Agreement, as originally signed by Sir George Foster, for transmission to the Colonial Office. No modification was made in the text of the Agreement itself, but, as mentioned above, List II was modified before the Agreement was signed, by the addition of three articles.

I have, &c.,
HARDINGE OF PENSHURST.

The Right Honourable
Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

* See enclosure 1.

REPUBLIQUE FRANCAISE.

PROTOCOLE.

Ministère des Affaires Étrangères,

Paris, le 13 Février, 1921.

MONSIEUR LE MINISTRE,

J'ai l'honneur de vous transmettre ci-joint l'exemplaire destiné au Gouvernement Royal de l'Arrangement Commercial entre la France et le Canada signé à Paris le 29 Janvier, 1921.

Je vous serais très obligé de vouloir bien m'accuser réception de ce document et je ne puis que vous laisser le soin de prier M. Foster d'y apposer sa signature.

Veuillez agréer, &c.,

Pour le Ministre et par autorisation,
Signature (Illisible.)

Sir Milne Cheetham,
Ministre de Sa Majesté Britannique,
Chargé d'Affaires
à Paris.

13719

No. 101.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 102.]

(No. 156.)

MY LORD DUKE.

Downing Street, 24th March, 1921.

WITH reference to my despatch No. 117, of the 9th March,* I have the honour to request Your Excellency to inform your Ministers that it is proposed to publish the Franco-Canadian Commercial Agreement in the usual form in the "Treaty" series.

2. I have accordingly to request that, if your Ministers see no objection, the original document may be returned after it has been completed by Sir G. Foster.

I have, &c.,

(For the Secretary of State).

L. S. AMERY.

31075

No. 102.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 22nd June, 1921.)

[Answered by Nos. 103 and 104.]

(No. 366.)

SIR,

Government House, Ottawa, 11th June, 1921.

WITH reference to your despatch No. 156, of the 24th March,† regarding the Franco-Canadian Agreement, I have the honour to inform you that, on the 30th December, 1920, the Minister of Trade and Commerce addressed Lord Milner, enclosing the Agreement arrived at between him and the Ministers of Commerce and Foreign Affairs for France, and asked him to forward it to the Secretary of State for Foreign Affairs for transmission to His Majesty's Ambassador at Paris. Sir George Foster pointed out to Lord Milner that the French Ministers had the duplicate of the Agreement and would sign it and forward it to him at Ottawa for his signature, and that they would sign the copy enclosed to Lord Milner and retain it for themselves.

* No. 100.

† No. 101.

The letter of Mr. Villiers, of the Foreign Office, dated the 11th January,* shows that this Agreement and accompanying instructions were forwarded to His Majesty's Ambassador in Paris, who was to see that the signatures were properly affixed and that the duplicate copy signed by the French Government was forwarded to Ottawa. That has been done, and that is the copy which the Canadian Government now has in their possession.

Sir George Foster does not understand what the Colonial Office means in asking for the original, inasmuch as that Office now has a copy of the Agreement as signed by all parties, which copy was forwarded to them by His Majesty's Ambassador.

I have, &c.,

DEVONSHIRE.

51714

No. 103.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 591.)

MY LORD,

Downing Street, 26th October, 1921.

WITH reference to the Duke of Devonshire's despatch No. 366 of the 11th June,† I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 1514] No. 16 of Treaty Series, 1921, containing the Trade Agreement recently concluded between France and Canada.

2. The text was reprinted from the Schedule to The French Trade Agreement Act, 1921.

I have, &c.,

WINSTON S. CHURCHILL.

51714

No. 104.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 679.)

MY LORD,

Downing Street, 30th November, 1921.

WITH reference to the Duke of Devonshire's despatch No. 366, of the 11th June,† on the subject of the Franco-Canadian Agreement, I have the honour to request Your Excellency to inform your Ministers that the original copy of the Agreement was asked for because no authentic text of the Agreement, as signed, was in the possession of His Majesty's Government, and it was desired to have such a text from which to print for inclusion in the Treaty series. It will be remembered that, of the two original copies signed by all parties, one was retained by the French Government and the other forwarded to Ottawa.

2. It will have been seen from my despatch No. 591, of the 26th October,‡ that, for the purposes of publication in the Treaty Series, the text scheduled to the French Trade Agreement Act, 1921, was subsequently adopted, but the Secretary of State for Foreign Affairs would be glad if a copy of the Agreement certified as in conformity could be furnished for the archives of the Foreign Office.

I have, &c.,

WINSTON S. CHURCHILL.

* Enclosure 2 in No. 100

† No. 102.

‡ No. 103.

FREEDOM OF TRANSIT AND INTERNATIONAL WATERWAYS CONVENTIONS, 1921.

(League of Nations Treaty Series, Vol. VII, Nos. 171-173.)

8445

No. 105.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.22 p.m., 1st March, 1921.)

TELEGRAM.

[Answered by Nos. 106, 107, 108 and 109.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

1ST MARCH. Proposed that Sir H. Llewellyn Smith, chief delegate from United Kingdom at Barcelona Conference on Transit and Communications, should have full powers from His Majesty the King for signature of any Conventions which may be negotiated at Conference. Proposed to issue, as in case of Peace Treaties and other Treaties forming part of Peace settlement, similar full powers to Dominion plenipotentiaries attending Conference. Do your Ministers concur? Telegraph reply as soon as possible.—CHURCHILL.

10515

No. 106.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 p.m., 3rd March, 1921.)

TELEGRAM.

[Answered by No. 112.]

3RD MARCH. Your telegram 1st March,* Barcelona Conference on Transit and Communications. My Ministers consider that full powers ought to be issued to plenipotentiary of a Dominion at all conferences which contemplate conclusion of Treaties binding Dominion. It may be added that it is not intention of Government of Canada to participate in this particular Conference or in conclusion of any Treaties there negotiated.—DEVONSHIRE.

10979

No. 107.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.25 a.m., 6th March, 1921.)

TELEGRAM.

[Answered by No. 112.]

4TH MARCH. Your telegram 1st March,* arrangements regarding signature of any Conventions which may be negotiated at Barcelona Conference on Transit and Communications. Ministers state that they concur in proposals.—ARTHUR FREDERICK.

* No. 105.

10980

No. 108.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.18 a.m., 7th March, 1921.)

TELEGRAM.

[Answered by No. 112.]

7TH MARCH. Your telegram 1st March.* Barcelona Conference. Not practicable to arrange for properly instructed delegate to represent Australia at Conference. Secretary-General, League of Nations, has already been so advised.—GOVERNOR-GENERAL.

14049

No. 109.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.30 a.m., 23rd March, 1921.)

TELEGRAM.

[Answered by No. 110.]

23RD MARCH. Your telegram 1st March.* Government of New Zealand concurs in Sir H. Llewellyn Smith, Chief Delegate from the United Kingdom at Barcelona Conference on Transit and Communications, having full powers for signature of any Conventions which may be negotiated at the Conference.—JELlicoe.

15763

No. 110.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.10 p.m., 7th April, 1921.)

TELEGRAM.

[Answered by No. 111.]

YOUR telegram 23rd March.† Is it wish of your Ministers that Llewellyn Smith should sign any Conventions negotiated at Barcelona Conference on behalf of New Zealand Government? Telegraph reply urgently.—SECRETARY OF STATE FOR THE COLONIES.

17679

No. 111.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.0 a.m., 12th April, 1921.)

TELEGRAM.

[Answered by No. 115.]

12TH APRIL. Your telegram 7th April.‡ Government of New Zealand concurs in Sir H. Llewellyn Smith signing any Conventions negotiated at Barcelona Conference on behalf of Government of New Zealand.—JELlicoe.

* No. 105. † No. 109. ‡ No. 110.

26144

No. 112.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.)

(Commonwealth of Australia.)

(Union of South Africa.)

(Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 13th July, 1921.

WITH reference to [your telegram of 3rd March,*] [your telegram of 7th March,†] [your telegram of 4th March,‡] I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] to be laid before your Ministers, copies of the Report§ by the British Delegate on the proceedings and results of the League of Nations Conference on Transit and Communications held at Barcelona from 10th March to 20th April, 1921.

2. His Majesty's Government propose to advise ratification by His Majesty the King of the Conventions on Freedom of Transit and the Régime of Waterways of International Concern in respect of the United Kingdom and the Colonies and Protectorates.

3. It is also proposed that the British delegate shall sign the additional Protocol to the International Waterways Convention in the first, i.e., the wider, alternative form, but shall make it clear that his signature extends, in the first instance, to the United Kingdom only.

The Administrations of the Colonies and Protectorates concerned will be consulted as to adherence to the Protocol on their behalf, in respect either of the full, or the more limited, obligation.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 112.

(Extract.)

2. FORM OF THE CONVENTIONS AND THEIR BEARING ON INTER-IMPERIAL RELATIONS.

I WAS aware before leaving England both from discussions with the Legal Adviser of the Foreign Office and with the representative of the Colonial Office, and also from conferences with the representative of the British Dominions, that difficulties would inevitably be encountered in determining the precise form and language of any general Conventions, owing to the special position of the British Dominions and India, which are separate members of the League of Nations, while the "British Empire" (not the "United Kingdom") is also a member of the League. The Draft Conventions, which had been circulated, were expressed as Conventions between High Contracting Parties and were apparently passed on the supposition that each of the Parties was an Independent Sovereign State with its own nationality "foreign" to all others. This language was clearly inappropriate to the case of the British Dominions and India, which, though they are separate States for the purpose of membership of the League of Nations, are not foreign to each other or to other parts of the British Empire, and whose common Sovereign is the only High Contracting Party on behalf of his Empire or any part thereof.

In order to avoid this difficulty the Conference was induced (not without some difficulty, arising from the unfamiliarity of the foreign delegates with the complex constitutional structure of the British Empire) to divide each of the draft Conventions into two parts:—

(a) A covering Convention of the ordinary type between High Contracting Parties containing the usual statements about ratification, denunciation, etc., and

(b) A "Statute" annexed thereto containing the whole of the operation provisions with regard to the special subject matter expressed as an Agreement between "Contracting States," i.e., between the various States Members of the League of Nations.

* No. 106. † No. 108. ‡ No. 107. § Extract only printed.

There still remained, however, the difficulty arising from the fact that the "Member" of the League represented by the British delegate was not the United Kingdom, nor the United Kingdom plus Crown Colonies and Protectorates, but the British Empire, so that his signature to any Convention, unless qualified by a reservation, would necessarily bind the Empire as a whole. To meet this difficulty I made the following declaration, which was carefully drafted with the advice of Sir Cecil Hurst, and was inserted in the procès-verbal of the meeting of 19th April:

"At the moment of signing this Convention on behalf of the British Empire, I declare that my signature does not bind the British Dominions of Canada, Australia, and South Africa, each of which is a Member of the League of Nations, and has not been represented in this Conference. The right of each of those Dominions to sign or adhere to the Convention at a later date is reserved, and it is understood that in the absence of such signature of adhesion they will not be entitled to the benefits conferred by the Convention.

"I also reserve the right to declare at the moment of ratification whether or not such ratification includes the self-governing Dominion of Newfoundland. Unless so included, Newfoundland will not be entitled to the benefits conferred by the Convention."

It was not necessary to refer to New Zealand, since during the course of the Conference I received full powers to sign Conventions on behalf of that Dominion. My signature of the Conventions on behalf of the British Empire was "Subject to the Declaration inserted in the Procès-Verbal of the Meeting of 19th April, 1921, as to the British Dominions which have not been represented at the Barcelona Conference." As will be seen, it was necessary to refer expressly in the Declaration to the case of Newfoundland which, though a self-governing Dominion, is not a separate member of the League of Nations.

While the difficulties rising out of the peculiar constitution of the British Empire aroused a good deal of curiosity, no exception was taken to the Declaration. Apart from the points of constitutional form which are considered above, the question arose whether in the Conventions, as drafted, the internal relations between different parts of the British Empire in respect of transit and communications might not be regulated by them, with the result that any differences within the Empire might be subject to the Disputes Clause and be submitted ultimately to the jurisdiction of the Court of International Justice; to avoid any such possibility we obtained the unanimous assent of the Conference to the adoption of the following Article in each of the Conventions:—

"It is understood that nothing in this Convention shall be interpreted as regulating rights and obligations *inter se* of territories forming part of, or placed under the protection of a single sovereign State, whether these territories, considered individually are, or are not, Members of the League of Nations."

26144

No. 113.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 114.]

(Confidential.)

SIR,

Downing Street, 13th July, 1921.

WITH reference to your Confidential despatch of the 25th April,* I have the honour to transmit to you, to be laid before your Ministers, copies of the following documents† which were prepared and adopted by the Conference on Communications and Transit held at Barcelona from 10th March to 20th April, 1921:—

- (1) Convention and Statute relating to Freedom of Transit.
- (2) Convention and Statute on the Régime of Waterways of International Concern.
- (3) Additional Protocol to the Waterways Convention.
- (4) Declaration recognizing the Right to a Flag of States having no sea coast.

* 24102: not printed; this indicated that Ministers had no observations on the draft Conventions referred to under (1) and (2) in the enclosures hereto.

† See League of Nations paper C.15 M.10, 1921, VIII.

- (5) Recommendations relating to International Traffic on Railways.
- (6) Recommendations relative to Ports placed under an International Régime.
- (7) Rules for the Organization of General Conferences on Communications and Transit and of the Advisory and Technical Committee.
- (8) Final Act of the Conference.

2. I also enclose a copy of the report* of the British Delegate to the Barcelona Conference.

3. His Majesty's Government propose to advise ratification by His Majesty the King of the Convention relating to Freedom of Transit and of the Convention on the Régime of Waterways of International Concern. They would be glad to know whether your Ministers would wish that these Conventions should also be ratified on behalf of Newfoundland.

4. It will be seen that to the Convention on International Waterways is appended a Protocol extending equality of treatment to the flags of any signatory State as regards the transport of imports and exports without transshipment either (a) on all navigable waterways, or (b) on all naturally navigable waterways. It is proposed that the British delegate shall sign this Protocol in the near future in the first, i.e., the wider, alternative form, but shall make it clear that his signature extends, in the first instance, to the United Kingdom only.

5. Your Ministers will no doubt inform His Majesty's Government in due course whether they desire that a declaration of adherence to this Protocol should be made on their behalf, and, if so, which of the two alternative obligations under it they desire to adopt.

I have, &c.,

WINSTON S. CHURCHILL.

52511

No. 114.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 22nd October, 1921.)

(Confidential.)

SIR,

Government House, St. John's, 5th October, 1921.

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 13th July last,† together with the accompanying documents which were prepared and adopted by the Conference on Communications and Transit held at Barcelona from 10th March to 20th April, 1921.

2. My Ministers desire me to say that the Convention relating to Freedom of Transit, and the Convention on the Régime of Waterways of International Concern, should be ratified on behalf of Newfoundland. They also desire that a declaration of adherence to the Protocol shall be made on behalf of this Government, taking the wider form which refers to all navigable waterways.

I have, &c.,

C. ALEXANDER HARRIS.

57358

No. 115.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.50 p.m., 23rd November, 1921.)

TELEGRAM.

[Answered by No. 117.]

REFERRING to your telegram of 12th April,‡ Barcelona Conference. Llewellyn Smith signed on behalf of New Zealand: (a) Freedom of Transit Convention, (b) Navigable Waterways Convention, (c) Additional Protocol to Waterways Convention in first, i.e., wider alternative form.

* Extract printed in enclosure in No. 112.

† No. 113.

‡ No. 111.

His Majesty's Government propose to advise ratification by His Majesty the King of two above Conventions in respect of United Kingdom, Colonies and Protectorates. As regards Protocol, Colonies, etc., being consulted, but proposed in any case to ratify as regards United Kingdom in first alternative form.

Question arises regarding inclusion of New Zealand in His Majesty's ratification.

Please telegraph wishes of New Zealand Government regarding ratification on its behalf of two Conventions and Protocol.—SECRETARY OF STATE FOR THE COLONIES.

58733

No. 116.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th November, 1921.)

[Answered by No. 118.]

SIR,

Foreign Office, S.W.1, 24th November, 1921.

WITH reference to your letter of the 11th instant,* I am directed by the Marquess Curzon of Kedleston to state, for the information of Mr. Secretary Churchill, that this Department has been in communication with the Board of Trade regarding the ratification by His Majesty the King of the Conventions relating to freedom of transit and waterways, and the additional protocol to the latter Convention, agreed upon at Barcelona in March and April, 1921.

2. I am to enclose, for Mr. Churchill's information, an extract† from the procès-verbal of the conference of that date, containing Sir Hubert Llewellyn Smith's statement in regard to the position of Newfoundland and of the other Overseas Dominions who were not represented at the Barcelona Conference; and to inquire whether the Government of New Zealand desire the King's ratification to extend to that Dominion; if so, whether the Dominion's acceptance includes both of the Conventions and the additional Protocol; and, in the latter event, which of the paragraphs, (a) or (b), the Government of New Zealand accept.

3. Lord Curzon understands from your letter of the 11th instant that the Government of Newfoundland desire to be included in His Majesty's ratification, in accordance with the right reserved to that Government by Sir Hubert Llewellyn Smith at Barcelona on the 19th April last; and that their acceptance of the Protocol, to the full extent indicated under paragraph (a) thereof, should be notified in the formal declaration to be made to the Secretariat of the League at the time of the deposit of His Majesty's ratification.

4. Arrangements are being made for the signature of the additional protocol to the Waterways Convention (to the full extent indicated under paragraph (a) thereof) on behalf of India by His Majesty's Minister at Berne; and Lord Curzon is inviting the Secretary of State for India to confirm officially his intention that the King's ratification should include the Indian Empire.

5. In regard to the British Colonies and Protectorates not fully self-governing, Lord Curzon will be glad to be informed whether the conventions and protocol (to the full extent indicated under paragraph (a) thereof) can be accepted on their behalf, in order that their position may be made clear in the declaration accompanying the ratification.

6. The Board of Trade are anxious that the instrument of ratification should be submitted to the King at an early date, and I am therefore to ask that Lord Curzon may be favoured with an early reply on the points referred to above, and with an expression of Mr. Churchill's concurrence in the draft instrument of ratification.

7. The Offices of the Cabinet are being requested to obtain from the Secretariat of the League of Nations certified copies of the Barcelona Conventions and Protocol, showing the signatures and the form in which these were given. On receipt of those copies, and of the information requested in this letter, the ratification will be prepared for signature.

8. Copies of this letter are being sent to the Board of Trade and to the India Office.

I am, &c.,

G. H. VILLIERS.

* 52511: not printed; it enclosed a copy of No. 114 and other correspondence. † Not printed: see enclosure in No. 112.

Enclosure in No. 116.

PREAMBLE AND CONCLUSION TO THE RATIFICATION OF THE BARCELONA CONVENTIONS
RESPECTING FREEDOM OF TRANSIT AND NAVIGABLE WATERWAYS, SIGNED ON
20TH APRIL, 1921.

GEORGE, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, etc., etc., etc. To all and singular to whom these Presents shall come, Greeting!

Whereas, a Convention between Us and certain other Powers and States, relating to Freedom of Transit, was concluded and signed at Barcelona on the 20th day of April in the year of Our Lord one thousand nine hundred and twenty-one by the Plenipotentiaries of Us and of other Powers and States duly and respectively authorized for that purpose, which Convention, with the Statute annexed thereto, is, word for word, as follows:—

(Inseratur—in two texts—English and French.)

(And whereas, a Convention between Us and other Powers and States relative to the Régime of Navigable Waterways of International concern was also concluded and signed at Barcelona on the 20th day of April in the year of Our Lord one thousand nine hundred and twenty-one by the Plenipotentiaries of Us and of other Powers and States duly and respectively authorized for that purpose, which Convention, with the Statute and Additional Protocol annexed thereto, is, word for word, as follows:—)

(Inseratur—in two texts—English and French.)

We, having seen and considered the Conventions, Statutes and Protocol aforesaid, have approved, accepted, and confirmed the same in all and every one of their Articles and Clauses, as We do by these Presents approve, accept, confirm, and ratify them for Ourselves, Our Heirs and Successors; engaging and promising upon Our Royal Word that we will sincerely and faithfully perform and observe all and singular the things which are contained and expressed in the Conventions, Statutes and Protocol aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our power. Provided however that this Our Ratification of the said Conventions, Statutes and Protocol shall not be deemed to apply in respect of Our Dominion of Canada, Our Commonwealth of Australia, or Our Union of South Africa. For the greater testimony and validity of all which, We have caused Our Great Seal to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court of St. James, the _____ day of _____ in the
Year of Our Lord, one thousand nine hundred and _____
the _____ year of Our Reign.

GEORGE R. I.

59176

No. 117.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.10 a.m., 29th November, 1921.)

TELEGRAM.

29TH NOVEMBER. Barcelona Conference. Government of New Zealand agrees to the ratification of the two Conventions and Protocol referred to in your telegram 23rd November.*—JELlicoe.

* No. 115.

58733

No. 118.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 17th December, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 24th November,* regarding the ratification by His Majesty the King of the Conventions relating to Freedom of Transit and Waterways and the Additional Protocol to the latter Convention, agreed upon at Barcelona in March and April, 1921.

2. As regards New Zealand, I am to transmit to you, to be laid before the Marquess Curzon of Kedleston, a copy of a telegram† from the Governor-General which indicates assent to the ratification of the Conventions and Protocol on behalf of New Zealand. In view of the telegram‡ to the Governor-General, of which a copy was enclosed in the letter from this Department of the 25th November,§ it is understood that the New Zealand Government desire ratification of the Protocol in the first or wider form.

3. Mr. Churchill concurs in the action suggested in the third paragraph of your letter as regards Newfoundland.

4. The two Conventions can be accepted on behalf of the Colonies not possessing responsible government, and Protectorates, and their acceptance included in the Declaration to the Secretariat of the League of Nations accompanying His Majesty's ratification. As to the Protocol, Mr. Churchill understands that the procedure contemplated is that of adherence after ratification, and he agrees to adherence in the narrower form in the case of Nyasaland Protectorate and Tanganyika Territory, and to adherence in the wider form in the case of the Colonies and Protectorates specified in the enclosed list.¶ The Government of British Honduras do not desire to adhere to the Protocol, while no replies have yet been received from Bermuda, the Falkland Islands, Somaliland, Wei-hai-wei, or the Malay States.

5. As regards the Instrument of Ratification, Mr. Churchill concurs in the draft enclosed in your letter, subject to the following provisos:—

(a) The words "or any territory under their authority" should be added after " . . . South Africa," and (b), in view of Sir Hubert Llewellyn Smith's declaration of the 19th April, it should be made clear in the Declaration made to the Secretariat of the League that His Majesty's ratification includes ratification both of the Conventions and Protocol (in its wider form) on behalf of New Zealand, as a member of the League of Nations, and ratification of the Conventions on behalf of Newfoundland.

6. Copies of this letter are being sent to the India Office and the Board of Trade.

I am, &c.,

C. T. DAVIS.

HUNGARY.

Revival of Bilateral Treaties.

52539

No. 119.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 438.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 28th October, 1921.

WITH reference to my telegram of the 25th August and connected correspondence,¶ I have the honour to transmit to [Your Royal Highness,] [Your

* No. 116. † No. 117. ‡ No. 115. § 57358, L.F., not printed. ¶ Not printed: the list is annexed to League of Nations letter, C.L. 77, 1922, V of 2nd August, 1922.

¶ Not printed. In this correspondence the Dominion Governments agreed as to the Treaties to be renewed.

Excellency,] [you,] for the information of your Ministers, a copy or a despatch to His Majesty's High Commissioner at Budapest, forwarding a draft notice to the Hungarian Government giving a list of the Bilateral Treaties between the British Empire and Austria-Hungary which it has been decided to revive as between the British Empire and Hungary under Article 224 of the Treaty of Peace with Hungary.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 119.

(No. 374.)

SIR,

Foreign Office, S.W.1., 20th October, 1921.

I TRANSMIT to you herewith the draft of a notice* to the Hungarian Government giving a list of the Bilateral Treaties between the British Empire and Austria-Hungary which it has been decided to revive as between the British Empire and Hungary under Article 224 of the Treaty of Trianon.

2. I request that you will communicate a notice in these terms to the Hungarian Government and ask for a formal acknowledgment.

3. The notice should be dated and signed by you, and you should furnish me with copies of the notice and the acknowledgment.

I am, &c.,

(For the Secretary of State),

G. H. VILLIERS.

T. B. Hohler, Esq., C.B., C.M.G.,
&c., &c., &c.

89265

No. 120.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 484.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 5th December, 1921.

WITH reference to my despatch Dominions No. 438, of the 28th October,† I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Representative at Budapest forwarding translations of notes to and from the Hungarian Minister for Foreign Affairs relative to the Bilateral Treaties between the British Empire and Austria-Hungary which it has been decided to revive as between the British Empire and Hungary.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 120.

(No. 560.)

MY LORD,

British Legation, Budapest, 14th November, 1921.

WITH reference to Your Lordship's despatch No. 374, of the 20th ultimo, I have the honour to transmit, herewith, a translation of a note from the Hungarian Government, formally acknowledging the notice which I addressed to them regarding those Bilateral Treaties between the British Empire and Austria-Hungary, which it had been decided to revive as between the British Empire and Hungary.

* See enclosure in No. 120.

† No. 119.

A copy of the notice in question is also enclosed, herewith, in accordance with Your Lordship's instructions.

I have, &c.,
T. B. HOHLER.

The Most Honourable
The Marquess Curzon of Kedleston, K.G., P.C.,
&c., &c., &c.

(No. 87496/5. 1921.)

Magyar Királyi, Külügyminisztérium,
MONSIEUR LE MINISTRE, Budapest, 30th October, 1921.

I beg to acknowledge receipt of Your Excellency's letter, dated 24th October, in which notice is given to the Hungarian Government that the British Government, in accordance with Article 224 of the Treaty of Trianon, wishes to revive the following Bilateral Treaties:—

(1) Treaty signed on 3rd December, 1873, with Great Britain, for the mutual surrender of fugitive criminals.

(2) Declaration signed on 26th June, 1901, amending Article 11 of the Treaty with Great Britain of 3rd December, 1873, for the mutual surrender of fugitive criminals.

I avail myself, etc.,
BÁNFFY.

His Excellency
Thomas Beaumont Hohler,
His Britannic Majesty's Minister,
Budapest.

MONSIEUR LE MINISTRE, British Legation, Budapest, 24th October, 1921.
In accordance with Article 224 of the Treaty of Trianon, of 4th June, 1920, notice is hereby given to the Hungarian Government that the following Bilateral Treaties originally concluded between the British Empire and Austria-Hungary are revived between the British Empire and Hungary from the date of this notice.

Extradition.

(a) Treaty signed at Vienna, on 3rd December, 1873, between Great Britain and Austria-Hungary for the mutual surrender of fugitive criminals.

(b) Declaration signed at London, on 26th June, 1901, amending Article 11 of the Treaty between Great Britain and Austria-Hungary, of 3rd December, 1873, for the mutual surrender of fugitive criminals.

I have the honour to request that Your Excellency will be so good as to furnish me with an acknowledgment of this communication.

I avail myself, &c.,
T. B. HOHLER.

His Excellency
Count Nicholas Bánffy,
Hungarian Minister for Foreign Affairs,
Budapest.

INTERNATIONAL LABOUR CONFERENCE, 1919.
Draft Conventions adopted by Conference...	78

59399

No. 121.

COLONIAL OFFICE to MINISTRY OF LABOUR.

Sir, Downing Street, 6th January, 1921.
I AM directed by Viscount Milner to acknowledge the receipt of your letter, dated December, 1920,* relative to the Recommendations and draft Conventions adopted at the International Labour Conference, held at Washington in November, 1919.

* Not printed: it raised the question whether the ratification of draft Labour Conventions should cover Newfoundland and the Colonies and Protectorates.

2. The position with respect to these instruments appears to Lord Milner to be reasonably clear both in regard to the British Colonies, Protectorates and Possessions which are not fully self-governing, and in regard to Newfoundland, which of course does not fall within this category.

3. His Lordship is of the opinion, after a careful scrutiny of the Labour Section of the Treaty of Versailles, that the Colonies, &c., which are not fully self-governing cannot be regarded as grouped with the Mother Country in the membership of the International Labour Office. The Colonies, &c., are clearly disjoined from the Mother Country by Article 421 of the Treaty of Versailles, which is embodied in each of the draft Conventions. The scheme of representation at the general conferences laid down in Article 389 must have been based on this principle, and, generally, the intention seems to have been that the deliberations of such conferences should proceed without special regard to the circumstances of Colonies, etc. When a member ratifies a draft convention it assumes by its ratification certain obligations in regard to its colonies, etc.; but these obligations do not entail the inclusion of the colonies, etc., in such ratification. On the contrary, such a procedure would appear to be negated by Article 421, and could only give rise to misunderstanding. Lord Milner therefore is of the opinion that the ratification by His Majesty's Government of any of the draft Conventions adopted at Washington should be so framed as to extend only to the United Kingdom.

4. No obligation whatever seems to be imposed on a Mother Country to take any action with regard to the application to its Colonies of recommendations as distinguished from draft conventions.

5. Nor does it seem possible to regard the United Kingdom and Newfoundland as grouped together in the membership of the International Labour Office. That combination cannot be regarded as having Colonies. The Labour Section of the Treaty of Versailles, in fact, seems to contain no provisions calculated to meet the case of such a country as Newfoundland, but if there is any responsibility attaching to His Majesty's Government in respect of Newfoundland under that section or otherwise, it would appear to be amply discharged by His Majesty's Government bringing the recommendations and the draft conventions to the notice of the Government of Newfoundland as the competent authority for the island. The recommendations and draft Conventions adopted at Washington were finally communicated to the Government of Newfoundland by a despatch from the Secretary of State in April last.* If the Minister of Labour thinks it desirable, this despatch could be supplemented by a final inquiry as to the intentions of the Government of Newfoundland in the matter.

6. Dr. Macnamara will have noticed from the despatch from the Governor-General of Canada enclosed in the letter from this department of the 9th December; that the Canadian Government are of opinion that where the recommendations and draft Conventions adopted at Washington deal with matters which under the Canadian constitution are of provincial concern, they have satisfied their obligations if they have referred them to the Provincial Governments.

7. If it is preferred that there should be a reference to the Law Officers of the Crown with regard to the various questions arising out of Articles 405 and 421 of the Treaty of Versailles, Lord Milner will be glad to arrange for any assistance in the power of this department to be given in preparing the reference so far as Newfoundland and the Colonies are concerned.

I am, &c.,
HENRY LAMBERT.

17570

No. 122.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12th April, 1921.)

[Answered by No. 125.]

Sir, Foreign Office, S.W.1., 11th April, 1921.
I AM directed by Earl Curzon of Kedleston to transmit to you herewith copies of telegrams exchanged with His Majesty's Ambassador at Paris, showing that the

* 16543: not printed; it enclosed copies of Cmd. 627. : 58487: not printed; its purport is stated in the text.

French Government have addressed invitations direct to the Governments of the British Overseas Dominions to accede to the Convention signed between France and Belgium for the purpose of giving effect to certain of the draft Conventions adopted by the International Labour Conference which met at Washington in October, 1919.

2. As you are aware, the precise form in which these draft Conventions should be ratified is one of peculiar difficulty, and has engaged the prolonged and careful consideration of the departments of His Majesty's Government represented on the Interdepartmental Labour Committee, who decided, at a meeting held on 22nd February, in favour of ratification, so far as the British Empire was concerned, by means of Orders of Council, as affording the most practical solution of the difficulties to which this question gives rise. Subsequently to this decision, His Majesty's Government were invited by the French Government to accede to the Franco-Belgian Convention, but there was nothing to indicate that this invitation was not intended to include the British Dominions, or that there was anything to compromise the efforts of His Majesty's Government to devise a common or identical form of "ratification" for the whole Empire.

3. The action of the French Government in addressing separate invitations direct to the Dominions, as now transpires from the telegrams under enclosure, may, by forcing the hand of His Majesty's Government, further complicate this already sufficiently difficult question and establish an undesirable precedent for the future. So far as this Department is aware, this is the first occasion on which a foreign Government has addressed the Dominions direct on a matter of this nature, and I am to inquire whether you concur in a strong protest, such as appears to Lord Curzon to be warranted, being addressed to the French Government forthwith.

4. As regards "ratification" of the Conventions, it seems to his Lordship useless further to consider the matter until the result of this action on the part of the French Government is known, and I am, therefore, to suggest that steps may be taken at once to ascertain by telegraph which of the Dominions have replied to the French invitation, and the nature of such replies.

I am, &c.,
G. H. VILLIERS.

Enclosure 1 in No. 122.

FOREIGN OFFICE to LORD HARDINGE (Paris).

(Sent 3.10 p.m., 22nd March, 1921.)

TELEGRAM.

(No. 126.)

MR. SPRING RICE'S letter to Sir C. Hurst, of 11th March. Please ascertain as soon as possible whether the French Government have caused invitations to be sent direct to the British Dominions, as members of the International Labour Organization set up under the Treaty of Versailles, to accede to the protocol of the Conventions between France and Belgium by which they put into force the draft Conventions formulated by the First International Labour Conference, which met at Washington last autumn.

Enclosure 2 in No. 122.

LORD HARDINGE (Paris) to FOREIGN OFFICE.

(Received 2.10 p.m., 25th March, 1921.)

TELEGRAM.

(No. 165.)

25TH MARCH. Your telegram No. 126. On 26th January last, French Government issued invitations direct to British Dominions through intermediary of French Consul concerned. French Government have already received some replies.

17570

No. 123.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.45 p.m., 21st April, 1921.)

TELEGRAM.

[Answered by Nos. 124, 127, 129 and 130.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

21st APRIL. French Government recently invited His Majesty's Government to adhere to Conventions concluded between France and Belgium based on draft Conventions adopted by International Labour Conference at Washington. It has been ascertained that similar invitations have been addressed through French Consuls to Dominion members of International Labour Office. Should be glad to learn as soon as possible what reply, if any, your Government have returned to invitation. Consideration of invitation addressed by French Government to His Majesty's Government being deferred pending receipt of information as to replies returned by Dominions.—CHURCHILL.

19936

No. 124.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 a.m., 23rd April, 1921.)

TELEGRAM.

22ND APRIL. Your telegram 21st April.* Conventions concluded between France and Belgium based on draft Conventions adopted by International Labour Conference at Washington. My Ministers represent that these draft Conventions were communicated to Government of Canada by Acting Consul-General, Montreal, who, on the part of Government of France, suggested to Government of Canada that if it approves draft Convention it should give its adhesion to protocol, which stands open and avoid by procedure in conformity with precedents in matters of international agreements, constitutional difficulties to which ratification of unsigned draft Convention might give rise in practice. To that invitation Government of Canada replied to Consul-General that it did not see its way to adopt procedure suggested by his letter, but is rather contented to rest upon procedure laid down in Part XIII, Treaty of Versailles, which raises no difficulty under Canadian constitutional practice.—DEVONSHIRE.

17570

No. 125.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 126.]

SIR,

Downing Street, 27th April, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 11th April,† relative to the invitations addressed direct by the French Government to the Dominion Governments to accede to the Conventions signed between France and Belgium for the purpose of giving effect to certain of the draft Conventions adopted by the International Labour Conference at Washington in 1919. I am to enclose, for the information of Earl Curzon of Kedleston, a copy of a telegram* on this subject sent to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, together with a copy of the reply‡ received from the Governor-General of Canada.

* No. 123. † No. 122. ‡ No. 124

2. Mr. Churchill is doubtful whether the action of the French Government in approaching the Dominion Governments can be held to have compromised the efforts of His Majesty's Government to devise a common or identical form of ratification for the whole Empire. He understands the position in regard to the ratification of the draft Labour Conventions to be that, as it is not possible for His Majesty to "ratify" a "draft" Convention, it has become necessary to devise a form of ratification for the United Kingdom not involving the use of His Majesty's name, and to leave the four Dominion members of the International Labour Office to ratify by such instruments of their own as they may consider appropriate. The recent decision of the Interdepartmental Labour Committee in this respect related of course only to the United Kingdom.

3. Further, Mr. Churchill does not wholly appreciate the use of the words "ratifying for the whole Empire" in this connexion. No question arises of ratifying for the Colonies and Protectorates, or of uniformity of action in regard to the acceptance or rejection of any particular draft Convention between the various British members of the International Labour Office.

4. Mr. Churchill agrees that it is certainly unusual and embarrassing for the French Government to have approached the Dominions direct with a request that they should adhere to a Treaty. He doubts, however, whether it would be advisable to make official representations to the French Government, as this course would involve sending copies of the correspondence to the Dominion Governments and might thus lead to further embarrassment. In Mr. Churchill's opinion, any communication on the subject to the French Government would best be made privately by Lord Hardinge, and should be deferred until all the replies to the telegram to the Dominions have been received and considered.

I am, &c.,

HENRY LAMBERT.

22112

No. 126.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6th May, 1921.)

SIR,

Foreign Office, S.W.1, 5th May, 1921.

I AM directed by Earl Curzon of Kedleston to acknowledge the receipt of your letter of the 27th ultimo,* on the subject of the procedure for the ratification of the draft Conventions adopted by the International Labour Conference at Washington in 1919, and the action of the French Government in addressing an invitation direct to certain of the Dominion Governments to accede to the Franco-Belgian Convention, embodying a number of these Conventions.

2. The view that the method of ratification adopted by the Dominions is a matter of indifference to His Majesty's Government, or that the deliberations of the Interdepartmental Labour Committee were concerned exclusively with the United Kingdom, cannot be accepted without some reservations. The question turns largely on the interpretation of the word "ratification" as employed in Article 405 of the Treaty of Versailles. If it is to be read in its wider non-technical sense, the Dominions are, of course, at liberty to "ratify" in the way they consider most convenient. That such, however, is not the interpretation adopted by the French Government is evidenced by the fact of their having embodied the draft Conventions in an international instrument for submission to the French Parliament, which is the ratifying authority in France.

3. Had the French view been the one taken generally, "ratification" by the Dominions could only legally have been effected by the constitutional method involving the use of His Majesty's name. Even under the interpretation understood to have been adopted by the International Labour Committee, it would appear to be preferable on general grounds that there should be uniformity between the different units of the Empire, and that, if the Dominions decide not to accede to the Franco-Belgian Convention in favour of their own methods, His Majesty's Government should take that into account in considering the invitation of the French Government which was also addressed to them, and to which hitherto no reply has been returned.

* No. 125.

4. To that extent, therefore, it will be agreed that the action of the French Government might have compromised the efforts of His Majesty's Government to devise a common or identical form of ratification. The term "whole of the Empire" was used, it is admitted, somewhat loosely; it was intended to cover the United Kingdom and such of the self-governing Dominions as are concerned. It will doubtless not have escaped Mr. Churchill's attention that His Majesty's Government are bound under Article 421 of the Treaty of Versailles to notify to the International Labour Office the action taken in regard to the application to their Colonies, Protectorates and Possessions which are not fully self-governing of such of these Conventions as they may themselves ratify.

5. As regards the suggested protest to the French Government, Lord Curzon agrees that action may be deferred until the receipt of the replies from the other Dominions concerned, and that in the circumstances described in your letter any communication to the French Government would best be made privately rather than officially.

I am, &c.,

G. H. VILLIERS.

22581

No. 127.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.40 p.m., 7th May, 1921.)

TELEGRAM.

7TH MAY. Your telegram 21st April,* adherence to Conventions adopted by International Labour Conference, Washington. Ministers state that no invitation received by this Government, and that from inquiries made it appears that French Consulate-General in Union has not received any instructions in matter.—ARTHUR FREDERICK.

22112

No. 128.

COMMONWEALTH OF AUSTRALIA: NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL

(Sent 2.35 p.m., 13th May, 1921.)

TELEGRAM.

[Answered by Nos. 129 and 130.]

SHOULD be glad to receive an early reply to my telegram 21st April,* draft Labour Conventions. Government of Canada have replied to Government of France that they did not see their way to adopt procedure suggested by latter but were rather contented to rest upon procedure laid down in Part XIII Treaty of Versailles, which raises no difficulty under Canadian constitutional practice. His Majesty's Government are disposed to proceed in case of those draft Conventions which they decide to ratify not by adhering to Franco-Belgian Conventions but by issue of Order of Lords of Council ordering that draft Conventions in question be confirmed and approved, and that formal communication thereof be made to Secretary-General, League Nations, but are deferring decision pending replies to my telegram 21st April. Government of Union of South Africa state that no invitation received from Government of France.—SECRETARY OF STATE FOR THE COLONIES.

* No. 123.

24310

No. 129.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.45 a.m., 18th May, 1921.)

TELEGRAM.

18TH MAY. Your telegram 21st April;* draft Labour Conventions. In view of the fact that secondary industries and manufacturing processes of New Zealand are not highly specialized and that very few unhealthy processes are carried on, my Government does not consider it advisable to take any action with regard to invitation from the Government of France.—JELlicoe.

50424

No. 130.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.10 a.m., 11th October, 1921.)

TELEGRAM.

11TH OCTOBER. Your telegram 21st April;* Franco-Belgian Convention. Government of Commonwealth of Australia does not agree to course suggested, but thinks that draft Conventions should be dealt with in accordance with provisions of Part XIII of the Treaty of Versailles.—GOVERNOR-GENERAL.

Note.—The Conventions referred to were ratified by Orders of the Lords of the Council, stating that the Conventions had, "in respect of the United Kingdom of Great Britain and Ireland obtained the consent of the authority or authorities within whose competence the matter lies."

INTERNATIONAL SANITARY CONVENTION, 1912.

(Treaty Series 1921, No. 2.)

2511

No. 131.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th January, 1921.)

(No. 869.)

MY LORD, Government House, Ottawa, 30th December, 1920.
With reference to your despatch No. 706, of the 30th November, 1920,† regarding the International Sanitary Convention, I have the honour to inform you that, until the action of the League of Nations in regard to the recommendations of the International Health Conference relating to the establishment of an International Health Organization under the League is promulgated by the League of Nations, it is not thought that any good purpose would be served by altering in any way the attitude of Canada to the Sanitary Convention as expressed by this country in 1912. The establishment recommended was to consist of:—

1. General Committee.
2. Permanent Committee.
3. International Health Bureau with Medical Section and Personnel.
4. Status of the existing Office International d'Hygiène Publique.

I have, &c.,

DEVONSHIRE.

* No. 123.

† No. 263 in Dominions No. 75.

8126

No. 132.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19th February, 1921.)

[Answered by No. 136.]

(No. 18.)

MY LORD,

Government House, St. John's, 28th January, 1921.

I HAVE the honour to acknowledge the receipt of your despatch No. 151, of the 30th November,* on the subject of the International Sanitary Convention signed at Paris on 17th January, 1912, and to inform you that as the views of my Ministers remain the same as in 1913 they desire to renew their adherence to the Convention.

I have, &c.,

C. ALEXANDER HARRIS.

6995

No. 133.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 78.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th February, 1921.

With reference to my predecessor's despatch No. [706,] 507,] [253,] [476,] [151,] of the 30th November, 1920,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 1117], No. 2 of Treaty Series, 1921, containing the text of the International Sanitary Convention, signed at Paris on 17th January, 1912. Protocol of Signature and Protocol of deposit of Ratifications on 7th October, 1920.

I have, &c.,

WINSTON S. CHURCHILL.

12652

No. 134.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th March, 1921.)

(No. 80.)

SIR,

Governor-General's Office, Pretoria, 18th February, 1921.

With reference to Lord Milner's despatch No. 476, of the 30th November, 1920, Lord Methuen's despatch, Transvaal, No. 188, of the 18th June, 1909, Lord de Villiers's despatch, South Africa, No. 667, of the 30th September, 1912, and Lord Gladstone's despatch, South Africa, No. 517, of the 17th July, 1913,† I have the honour to transmit herewith a copy of a minute from my Ministers regarding the non-adherence of the Union of South Africa to the International Sanitary Convention signed at Paris on the 17th January, 1912.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

* No. 263 in Dominions No. 75.

† No. 263 in Dominions No. 75 and 22976/09, 33036/12, and 27564/13, not printed. (See *, p. 86.)

Enclosure in No. 134.

MINUTE 124.

Prime Minister's Office, 14th February, 1921.

WITH reference to minute No. 33/1243, of the 24th December, 1920, from His Royal Highness the Governor-General, transmitting copy of despatch No. 476, dated 30th November, 1920, from the Right Honourable the Secretary of State for the Colonies, regarding the International Sanitary Convention signed at Paris on 17th January, 1912, Ministers have the honour to inform His Royal Highness that their views regarding the non-adherence of the Union of South Africa to the Convention remain as stated in Ministers' minutes Nos. 284, of 17th June, 1909 (Transvaal), 855, of 30th September, 1912, and 686, of 8th July, 1913.*

J. C. SMUTS.

17465

No. 135.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th April, 1921.)

[Answered by No. 137.]

(No. 54.)

SIR, Governor-General's Office, Melbourne, 22nd February, 1921.
WITH reference to Viscount Milner's despatch of 30th November, 1920, No. 507,† relative to the deposit of ratifications of the International Sanitary Convention signed at Paris in 1912, I have the honour to inform you that the views of the Commonwealth Government in respect of the adherence of the Commonwealth to the Convention remain the same as were communicated in my predecessor's despatch, dated 30th October, 1912, No. 243.‡

I have, &c.,

FORSTER,
Governor-General.

26367

No. 136.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 88.)

SIR, Downing Street, 7th June, 1921.
WITH reference to your despatch No. 18, of the 28th January,§ I have the honour to transmit to you, for the information of your Ministers, a copy of a note from the French Ministry for Foreign Affairs with regard to the adhesion of Newfoundland to the International Sanitary Convention, 1912.

I have, &c.,

WINSTON S. CHURCHILL.

* I.e., that adherence to the Convention on the part of the Union of South Africa was not desired.

† No. 263 in Dominions No. 75.

‡ Note.—The views of the Commonwealth Government are incorporated in the Foreign Office despatch to Paris of 21st May, 1921, for which see No. 137.

§ No. 132.

Enclosure in No. 136.

République Française,
Ministère des Affaires Etrangères,
Paris, le 20 Mai, 1921.

MONSIEUR L'AMBASSADEUR,

PAR notes du 4 Mars et du 9 Avril, 1921, vous m'avez notifié l'adhésion du Gouvernement de Terre-Neuve à la Convention Sanitaire internationale signée à Paris le 17 Janvier, 1912.

J'ai l'honneur de donner acte à Votre Excellence de cette adhésion et de vous informer que je l'ai fait porter à la connaissance de tous les Etats qui sont parties à la dite Convention.

Agréez, etc.,

MAURICE HERBETTE.

Son Excellence

Lord Hardinge of Penshurst,
Ambassadeur de Grande-Bretagne, à Paris.

27933

No. 137.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 234.)

MY LORD,

Downing Street, 13th June, 1921.

WITH reference to your despatch No. 54, of the 22nd February,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of correspondence between the Secretary of State for Foreign Affairs and His Majesty's Representative at Paris with regard to the accession of the Commonwealth to the International Sanitary Convention, 1912.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 137.

(No. 1401.)

SIR,

Foreign Office, S.W.1., 21st May, 1921.

WITH reference to my despatch No. 626, of 1st March last, I request that you will make formal notification to the French Government of the accession of the Commonwealth of Australia to the International Sanitary Convention of 1912, subject to the following reservations:—

(a) That it is not prepared to limit its declaration of places as infected to those places in which plague has occurred in man, as the occurrence of the disease in rats is of equal, if not greater, importance in the spread of the disease.

(b) That it is not prepared to recognize as clean any place in regard to which it is reported merely that no fresh case of plague has occurred in man within five days.

2. The Commonwealth Government will continue to treat as infected, or as a place from or through which plague may be brought or carried to Australia, any place in which plague has occurred in man or other animals, unless it is certified that effective measures for the extermination of rats and other specially susceptible animals, and the search for infected rodents have been maintained for a period of at least six months from the date of the occurrence of the last local case in man or among rodents, and that during the whole of that period no infected rodents have been found.

3. I should be glad if you will report to me in due course the date on which you notified this accession.

I am, &c.,

(For the Secretary of State).

R. H. CAMPBELL.

Sir Milne Cheetham, K.C.M.G.,
&c., &c., &c.

* No. 135.

Enclosure 2 in No. 137.

(No. 1506.)

MY LORD,

Paris, 23rd May, 1921.

I HAVE the honour to inform Your Lordship that, in accordance with the instructions contained in Your Lordship's despatch No. 1401, of 21st May, I have this day formally notified to the French Government the accession of the Commonwealth of Australia to the International Sanitary Convention of 1912, subject to the reservations mentioned in that despatch.

I have, &c.,

M. CHEETHAM.

The Right Honourable

The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

40968

No. 138.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th August, 1921.)

(No. 136.)

SIR,

Government House, Wellington, 5th July, 1921.

WITH reference to your despatch No. 253, of the 30th November, 1920, relative to the International Sanitary Convention, I have the honour to inform you that until a report is received from Doctor Makgill, who was referred to in my despatch No. 39, of the 27th February,† my Government is not in a position to define what its present attitude will be towards the Sanitary Convention of 1912.

I have, &c.,

JELLICOE,

Governor-General.

JAPAN.

(1) Anglo-Japanese Alliance.

7503/S

No. 139.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 15th February, 1921.)

TELEGRAM.

[Answered by No. 140.]

(Paraphrase.)

15TH FEBRUARY. Most Secret. Following for Prime Minister from my Prime Minister.

Begins: Private and Personal and Secret. The question of the Anglo-Japanese Alliance, which I assume will be decided at the proposed meeting of Prime Ministers in June, has been considered carefully in Cabinet, and it may be useful to let you have, for consideration of your Government, our views.

Every possible effort should, we feel, be made to find some alternative policy to that of renewal. Admitting that in the past the Alliance has been useful it seems true, nevertheless, that conditions have been so altered that the defence motives no longer hold, while the objections have greatly increased. It is unnecessary at the moment to elaborate these points, but I would emphasize the need of promoting good relations with the United States. In

* No. 263 in Dominions No. 75. † 17359: not printed. This despatch dealt with the suggested attendance of Dr. Makgill at one of the meetings of the International Office of Public Hygiene.

view of her tendency towards abandonment of attitude of isolation generally, her traditional special interest in China, which is as great as ours, and of the increasing prominence of the Pacific as a scene of action, there is danger that a special confidential relationship between ourselves and Japan, concerning that region, to which she was not a party, would come to be regarded as an unfriendly exclusion and as a barrier to an English-speaking concord.

We believe, consequently, that we should try to attain in another way our objects in the Far East. Specifically, we should terminate the Alliance and at once endeavour to bring about a conference of Pacific powers—that is Japan, China, the United States, and the British Empire, represented by Great Britain, Canada, Australia and New Zealand—for the purpose of adjusting Far Eastern and Pacific questions. Such a straightforward course would enable us to end the Alliance with good grace, and would reconcile our position in respect of China and the United States. It will be a practical application of the principles of the League of Nations. Should it eventually result in a working Pacific concert the gain to British-American relations is obvious.

It seems in any case highly important to know in advance of the June meeting, what is possible in this direction, in order that the whole problem may then be fairly considered. We suggest, accordingly, that a representative of the Canadian Government should get in touch with the new President and his Secretary of State as soon as possible after their inauguration, and discover through informal confidential conversations whether any such policy is feasible. For this purpose I would nominate Sir Robert Borden, who is willing to act.

This method from all (? group omitted) seems most appropriate, first, because the concern of the Pacific Dominions in question is in reality more vital than that of the other parts of the Empire, and second, because the proposal, if put forward by Canada, seems best calculated to (group undecipherable) Washington. We attach importance to the idea, putting it forward as loophole to a Pacific conference.

I should be grateful for your views. *Ends.*

—DEVONSHIRE.

9680/S

No. 140.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.35 p.m., 26th February, 1921.)

TELEGRAM.

[Answered by No. 141.]

(Paraphrase.)

26TH FEBRUARY. Private, Personal and Secret. Following to your Prime Minister from the Prime Minister.

Begins: My colleagues and I have given the most careful consideration to your telegram of 15th February.* We entirely share your view as to the importance of considering the renewal from the point of view of future relations between the United States and the nations of the British Empire of the Anglo-Japanese Alliance, and we are agreed that, in whatever action may eventually be decided upon, it is of utmost importance to carry the United States with us. We feel at the same time that there are certain considerations, which we would like you to consider, to be urged against the immediate adoption of your proposal. In the first place, we have throughout felt that nothing should be done to prejudice the complete liberty of action of the forthcoming Imperial Cabinet in regard to the Anglo-Japanese Alliance. Question affects all the Dominions, and especially Australia, New Zealand and Canada. It also affects India and British Possessions in the

* No. 139.

Far East. It is feared that the formulation from an official quarter, in however tentative and informal a form, of a proposal to the United States that a round-table conference of all the Powers concerned should be summoned to discuss Pacific question could, especially if it was favourably regarded by Washington, hardly fail to tie the hands of Conference next June. We think in any case that the other Dominions would have to be consulted before such a proposal was approved. We think in the second place that, while there is much to be said for a conference of this description as a possible ultimate solution, there are very many questions to be settled before the decision to make such a proposal could be reached. The questions at issue affect the general foreign policy of the Empire and the international position of Great Britain. They are inseparably bound up with problem of naval shipbuilding, the future of the League of Nations, and its disarmament programme. For some months various expert committees have been sitting in this country considering the various political, military, naval and economic issues involved, with the object of placing the members of Imperial Cabinet in possession of all considerations necessary to enable them to arrive at a judgment. We think, therefore, that there are very strong arguments for having a full discussion between the various Governments of the British Empire of the whole problem in the light of the information which is now being collected, before making any official approaches, however informal, to the United States of America.

It is recognised at the same time that the attitude of the new United States Government towards foreign questions, the League of Nations and disarmament, must be a vital factor in our deliberations, and we should greatly welcome an interchange of views with the Canadian Government, both upon main problem itself and also as to whether any special steps should be taken to sound American opinion before the Conference meets, and as to the manner in which this could be done without prejudicing the freedom of action of the Imperial Cabinet. Would it therefore be possible for you to ask Sir Robert Borden, after having discussed the question in all its bearings with you, to come over here to confer with us upon this subject? The benefit of his experience and advice would be greatly valued, and he could then place before you the tentative conclusions at which we had arrived during our conversations, and, if necessary, we could place them before the Governments of the Dominions. *Ends.*

—CHURCHILL.

15957/S

No. 141.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.50 a.m., 2nd April, 1921.)

TELEGRAM.

(Paraphrase.)

1ST APRIL. My Prime Minister transmits following message for Mr. Lloyd George.

Begins: Secret, Private and Personal. With regard to first consideration submitted by you in your telegram of 26th February,* the immediate point of our proposal was indeed that the effect of failing to take steps now would be to prejudice the liberty of action of the June meeting. There will be no opportunity for discussion for at least another year after our visit in June, which must be short. We therefore fear that meeting would find itself confronted with only two alternatives, termination of the Alliance, or else renewal in either modified or in present form, and then might be compelled by reason of Japanese susceptibilities to adopt policy of renewal simply because no one could present a practicable alternative with any confidence. This would result not in the Alliance continuing for at least two years more, but in any alternative becoming increasingly difficult owing to lapse of time.

* No. 140.

With regard to your second consideration, we fear that the Alliance will wait a very long time if it is to wait upon the settlement of questions, such as naval shipbuilding, disarmament, and the future of the League of Nations. We are also unable to appreciate the exact connection between question of the Alliance and these questions; any suggestion, however, that decision on the Alliance must depend upon American attitude towards these questions seems to involve not only an entirely new orientation of the Alliance, but also the introduction into the polity on this continent and into our relations with the United States of an entirely new idea. In our opinion, the time has not yet come for the discussion of such a radical departure. We further feel that rather than the Alliance depending upon the settlement of these questions of disarmament, etc., in reality the settlement of these questions depends upon our promoting in every direction such a policy of frankness and friendly co-operation as we have in mind, in which course we think there is more promise than in any abstract discussion of armaments. It seems probable, in the light of events, that the region where both British Empire and the United States will find themselves most actively interested will be the Pacific, which therefore offers the most immediate field for practical co-operation. We think that it is of the greatest importance to take advantage of any occasion for the promotion of such a policy, and that delay can only do harm.

We consider it essential to emphasize once more the very special position of Canada in this matter. It is true more of the Canadian people than of any other people whatever, that their welfare and security are intimately involved in any question which vitally affects the relations between British Empire and the United States. They will expect every effort to be made towards a policy of co-operation, and as it involves first definite significant step in the post-war British America relations, will attach great importance to the present question. Their whole experience has been favourable to the principle of co-operation in spite of occasional differences, and they would recoil from anything to the contrary. They have had special opportunities to understand and deal with Americans through association and intercourse, and they feel that it is important not to overlook the advantages of this consideration. They are not likely to be convinced by the conclusions of Committees, which must be necessarily lacking in that intimate experience and association which is essential to a judgment on the conditions in this hemisphere.

From the point of view of Canada, it might become necessary to consider an alternative solution by which only those parts of the Empire desiring to do so on the analogy of the abortive Anglo-Franco-American Re-Insurance Treaty concluded at Paris should join in renewal of the Alliance. It seems, however, desirable to avoid if possible the implication of such a solution. Therefore, that it is along the lines of our proposal that steps should be taken as soon as possible, is still our emphatic opinion. *Ends.*

—DEVONSHIRE.

15957/S

No. 142.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.30 p.m., 26th April, 1921.)

TELEGRAM.

(Paraphrase.)

26TH APRIL. Following message for Mr. Meighen.

Begins: The Prime Minister desires me to send you the following message. Your Government may rest assured that until the June meeting of Imperial Cabinet, question of renewal in any form of Anglo-Japanese Alliance will be left entirely open. As an act of courtesy to Japanese Government, and in deference to your apprehensions, former has been informed that until the future policy of Empire has been decided upon by Imperial

Cabinet, no decision can be reached; and, in our judgment, neither promptitude of decision nor freedom of action will in any way be compromised by awaiting this discussion. In the meantime, we propose to ask Japanese Government, since it would be impossible to communicate decision before the date of the expiry of the present Treaty in July, to agree to prolong for another three months the present Agreement. The proposal of a Conference of Pacific Powers is one which the Imperial Cabinet may well discuss, but which is impossible for us to prejudge at this stage owing to the attitude adopted by Australia. In the meantime, we would strongly urge that Canadian Government should not approach Washington Government independently at this stage. Later on, we shall be very glad to profit by the services offered by the Canadian Government if consultation with America becomes necessary when definite policy has been decided upon. *Ends.*

—CHURCHILL.

15957/S

No. 143.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Sent 3.5 p.m., 29th April, 1921.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

29TH APRIL. Secret. Referring to my despatch Dominions No. 451, Secret, of the 29th October,* and connected correspondence, as an act of courtesy Japanese Government is being informed that no decision as regards renewal of the Anglo-Japanese Alliance can be reached until the future policy of the Empire has been decided upon as a result of the discussions which are to be held this summer in London. We are taking steps to ask the Japanese Government to agree to prolong the Agreement for another three months, since it would clearly be impossible to communicate decision before date of expiry of present agreement next July.

—CHURCHILL.

18098

No. 144.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

Dominions No. 192.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th May, 1921.

With reference to previous correspondence regarding the Anglo-Japanese Alliance, I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of a despatch† from His Majesty's Representative at Tokyo forwarding a summary of questions and replies in the Japanese Diet, together with a copy of a question and answer in the House of Commons with regard to the effect of the Alliance upon relations with the United States of America.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 276 in Dominions No. 75.

† Sir C. Eliot, Tokyo, 3rd February, 1921, No. 35: not printed.

Enclosure in No. 144.

HOUSE OF COMMONS.

1st March, 1921.

Anglo-Japanese Treaty.

LIEUTENANT-COLONEL SIR F. HALL asked the Under Secretary of State for Foreign Affairs, if the terms of the Treaty arrangements between this country and Japan preclude the possibility of assistance to Japan in any conflict which might arise between that country and the United States of America; and if assurances on this point have been given to the American Government in connexion with their consideration of their naval building programme?

MR. KELLAWAY (Additional Under Secretary of State for Foreign Affairs): Article 4 of the Anglo-Japanese Agreement of 13th July, 1911, provides:

"Should either High Contracting Party conclude a Treaty of General Arbitration with a third Power, it is agreed that nothing in this agreement shall entail upon such contracting party an obligation to go to war with the Power with whom such Treaty of Arbitration is in force."

At the time when the Agreement was under negotiation, a General Arbitration Treaty between this country and the United States of America was being concluded, and this circumstance inspired the adoption of the terminology of Article 4 by His Majesty's Government and the Japanese Government. As to the true spirit in which that Article was conceived, the Japanese Government have always entirely shared, and continue to share, the views of His Majesty's Government. The General Arbitration Treaty was not ratified by the United States Senate. Subsequently, however, on the 15th September, 1914, a Peace Commission Treaty was signed and duly ratified, under which, when all diplomatic methods of adjustment had failed, all disputes between the two countries of "any nature whatsoever other than those disputes the settlement of which is provided for," are to be referred to an Investigation Commission. The Peace Commission Treaty is not technically a General Arbitration Treaty, but their objects are the same. My hon. and gallant Friend will understand from my answer that our relations with Japan are so arranged as not to involve us in the possibility of conflict with the United States of America. As regards the second part of the question, no official communication has been made to the United States of America as there is no reason to believe that the responsible authorities are in any doubt as to the true position.

25355

No. 145.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

Dominions No. 231. Secret.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th June, 1921.

With reference to [To Canada: previous correspondence on the subject of the Anglo-Japanese Alliance] [To all except Canada: my Secret telegram of the 29th April*], I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a telegram to His Majesty's Ambassador at Tokyo regarding the prolongation for three months of the [To all except Canada: Anglo-Japanese] Alliance.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 145.

PARAPHRASE OF TELEGRAM NO. 104 TO SIR C. ELIOT, 13TH MAY, 1921.

It does not seem at all likely that any decision as regards renewing Anglo-Japanese Alliance can be taken before it expires in July as Imperial Conference is not held until June.

* No. 143.

This has been explained to Japanese Ambassador, who has been requested to get extension of three months sanctioned by his Government. A proviso must be laid down, if Japanese Government agree in principle to this prolongation, stating that if any action which is not consistent with procedure decided upon in the covenant of League of Nations arises under the Alliance during the period of prolongation, then principles and procedure of League of Nations must be followed in preference to the stipulations of the Alliance Agreement.

Repeated to Washington, 289.

Please repeat to Peking.

Note.—Between the dates of this despatch and of that which follows, the question of the Anglo-Japanese Alliance was considered by the Conference of Prime Ministers.

36037

No. 146.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Dominions. No. 313.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,][SIR,]

Downing Street, 4th August, 1921.

WITH reference to my predecessor's despatch Dominions No. 359, of the 23rd August, 1920,* and connected correspondence, I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of an extract from the House of Commons Official Report, of the 11th July, containing a statement by the Prime Minister on the Far Eastern and Pacific Policy, and of the joint notification by His Majesty's Government and the Japanese Government to the League of Nations in respect of the Anglo-Japanese Alliance, to which reference is made in this statement.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 146.

HOUSE OF COMMONS.

(11th July, 1921.)

FAR EASTERN AND PACIFIC POLICY.

UNITED STATES AND BRITISH EMPIRE RELATIONS.

Prime Minister's Statement.

MR. ASQUITH (*by Private Notice*) asked the Prime Minister whether he has any statement to make about the position of the Anglo-Japanese Treaty?

THE PRIME MINISTER: When I told the House last Thursday that I hoped to be in a position to make a statement on Pacific and Far Eastern questions to-day, I was awaiting, as I explained at the time, replies to conversations which had taken place between the Secretary of State for Foreign Affairs and the representatives of the Governments of the United States, Japan, and China, as the result of our discussions in the Imperial Cabinet.

I am very glad to be able to inform the House to-day that the views of the Government of the United States reached me last night, and are extremely satisfactory. The Chinese Government is also favourable. We have not yet had a formal reply from the Government of Japan, but we have good reason to hope that it will be in the same sense. Now that these views have been received, I am glad to be at liberty to inform the House of Commons fully regarding the course which our discussions in the Imperial Cabinet took. I do this with particular satisfaction, because it will show how very valuable a step forward we have been able to take by common consent in the sphere of foreign affairs.

The broad lines of Imperial policy in the Pacific and the Far East were the very first subjects to which we addressed ourselves at the meetings of the Imperial

* No. 273 in Dominions No. 75.

Cabinet, having a special regard to the Anglo-Japanese Agreement, the future of China, and the bearing of both those questions on the relations of the British Empire with the United States. We were guided in our deliberations by three main considerations. In Japan, we have an old and proved ally. The agreement of twenty years' standing between us has been of very great benefit, not only to ourselves and her, but to the peace of the Far East. In China there is a very numerous people, with great potentialities, who esteem our friendship highly, and whose interests we, on our side, desire to assist and advance. In the United States we see to-day, as we have always seen, the people closest to our own aims and ideals with whom it is for us, not merely a desire and an interest, but a deeply-rooted instinct to consult and co-operate. Those were the main considerations in our meetings, and upon them we were unanimous. The object of our discussions was to find a method combining all these three factors in a policy which would remove the danger of heavy naval expenditure in the Pacific, with all the evils which such an expenditure entails, and would ensure the development of all legitimate national interests of the Far East.

We had, in the first place, to ascertain our exact position with regard to the Anglo-Japanese Agreement. There had been much doubt as to whether the notification to the League of Nations made last July constituted a denunciation of the Agreement in the sense of Clause 6. If it did, it would have been necessary to decide upon some interim measure regarding the Agreement pending fuller discussions with the other Pacific Powers, and negotiations with this object in view were, in point of fact, already in progress. If, on the other hand, it did not, the Agreement would remain in force until denounced, whether by Japan or by ourselves, and would not be actually determined until twelve months from the date when notice of denunciation was given. The Japanese Government took the view that no notice of denunciation had yet been given. This view was shared by the Secretary of State for Foreign Affairs; but, as considerable doubt existed, we decided, after a preliminary discussion in the Imperial Cabinet, to refer the question to the Lord Chancellor, who considered it with the Law Officers of the Crown, and held that no notice of denunciation had yet been given.

It follows that the Anglo-Japanese Agreement remains in force unless it is denounced, and will lapse only at the expiration of twelve months from the time when notice of denunciation is given. It is, however, the desire of both the British Empire and Japan that the Agreement should be brought into complete harmony with the Covenant of the League of Nations, and that wherever the Covenant and the Agreement are inconsistent, the terms of the Covenant shall prevail. Notice to this effect has now been given to the League.

The broader discussion of Far Eastern and Pacific policy to which we then turned showed general agreement on the main lines of the course which the Imperial Cabinet desired to pursue. I have already explained that the first principle of our policy was friendly co-operation with the United States. We are all convinced that upon this, more than any single factor, depends the peace and well-being of the world. We also desire, as I have stated, to maintain our close friendship and co-operation with Japan. The greatest merit of that valuable friendship is that it harmonises the influence and activities of the two greatest Asiatic Powers, and thus constitutes an essential safeguard to the well-being of the British Empire and peace of the East. We also aim at preserving the open door in China, and at giving the Chinese people every opportunity of peaceful progress and development.

In addition to these considerations, we desire to safeguard our own vital interests in the Pacific, and to preclude any competition in naval armaments between the Pacific Powers. All the representatives of the Empire agreed that our standpoint on these questions should be communicated with complete frankness to the United States, Japan, and China, with the object of securing an exchange of views which might lead to more formal discussion and conference. The Secretary of State for Foreign Affairs accordingly held conversations last week with the American and Japanese Ambassadors and the Chinese Minister, at which he communicated to them the views of the Imperial Cabinet, and asked in turn for the views of their respective Governments. He expressed at these conversations a very strong hope that this exchange of views might, if their Governments shared our desire in that respect, pave the way for a conference on the problems of the Pacific and the Far East.

The views of the President of the United States were made public by the American Government this morning. It is known to the House. Mr. Harding has

taken the momentous step of inviting the Powers to a Conference on the limitation of armaments, to be held in Washington in the near future, and he also suggests a preliminary meeting on Pacific and Far Eastern questions between the Powers most directly interested in the peace and welfare of that great region, which is assuming the first importance in international affairs. I need not say that we welcome with the utmost pleasure President Harding's wise and courteous initiative. In saying this I know that I speak for the Empire as a whole. The world has been looking to the United States for such a lead. I am confident that the House will esteem it as an act of far-seeing statesmanship and will whole-heartedly wish it success. I need hardly say that no effort will be lacking to make it so on the part of the British Empire, which shares to the full the liberal and progressive spirit inspiring it.

Let me add only one word as to the part played in these events by the gathering of the Imperial Conference in Downing Street. I venture to say that the action that we have taken could not have been taken in so prompt, effective, and unanimous a fashion but for the intimate personal consultation between the Prime Ministers of the Empire and the representatives of India which this gathering has enabled us to enjoy. We have taken counsel together without reserve. With this result before us, I need not elaborate the inestimable value of that intimate collaboration in the conduct of the Empire's affairs.

Enclosure 2 in No. 146.

JOINT NOTIFICATION.

WHEREAS the Governments of Great Britain and Japan informed the League of Nations in their joint notification of 8th July, 1920, that they recognize the principle that if the Anglo-Japanese Alliance Agreement of 13th July, 1911, is continued after July, 1921, it must be in a form which is not inconsistent with the Covenant of the League, they hereby notify the League, pending further action, that they are agreed that if any situation arises whilst the Agreement remains in force in which the procedure prescribed by the terms of the Agreement is inconsistent with the procedure prescribed by the Covenant of the League of Nations, then the procedure prescribed by the said Covenant shall be adopted and shall prevail over that prescribed by the Agreement.

HAYASHI.
CURZON OF KEDLESTON.

London, 7th July, 1921.

Note.—The invitation of the United States Government to the Washington Conference (enclosure 1 in No. 278) proposed that Pacific and Far Eastern questions should be discussed at the Conference in connexion with the subject of limitation of armaments, and the Anglo-Japanese Alliance was in consequence one of the subjects dealt with at the Conference.

(2) Anglo-Japanese Tonnage Measurement Agreement.

(Treaty Series, 1923, No. 1.)

16984

No. 147.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st March, 1917.)

[Answered by No. 148.]

(Confidential (2).)

SIR, Governor-General's Office, Melbourne, 1st February, 1917.
WITH reference to your Confidential despatch, dated 27th July last,* on the subject of a formal agreement with regard to the measurement of tonnage of British and Japanese merchant vessels, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government concurs in the proposed agreement, without reservation.

I have, &c.,
R. M. FERGUSON,
Governor-General.

* No. 57 in Dominions No. 50.

34461

No. 148.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)
(Commonwealth of Australia.) }
(New Zealand.) } Confidential.)
(Union of South Africa.) }
(Newfoundland.) }

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 26th July, 1918.
[To Canada only: With reference to your predecessor's Confidential despatch of the 15th September, 1916,*] [To Australia only: With reference to Your Excellency's despatch Confidential (2), of the 1st February, 1917,†] [To New Zealand only: With reference to Your Excellency's Confidential despatch of the 5th of October, 1916,‡] [To Union of South Africa only: With reference to Your Excellency's Confidential despatch of the 15th September, 1916,§] [To Newfoundland only: With reference to your predecessor's Confidential despatch of the 28th September, 1916,||] I have the honour to transmit to [Your Excellency] [you] copies of correspondence with the Japanese Ambassador regarding the proposed agreement for the reciprocal recognition of the tonnage measurements of British and Japanese ships.

I have, &c.,

WALTER H. LONG.

Enclosure 1 in No. 148.

FOREIGN OFFICE to THE JAPANESE AMBASSADOR.

YOUR EXCELLENCY, Foreign Office, 19th June, 1917.

ON receipt of the Marquis Inouye's note of 3rd April, 1916,† I caused the Government of India and the Governments of the Self-governing Dominions to be consulted on the subject of the proposed new agreement for the reciprocal recognition of the tonnage measurements recorded in certificates of registry of Japanese and British ships. Replies have now been received from all the Governments accepting in principle the draft agreement enclosed in His Excellency's despatch of 14th August, 1915.** An addition, as shown in the enclosed draft, has, however, been made to the agreement, providing for its termination either as a whole or in respect of any of the Self-governing Dominions or His Majesty's Indian Empire on giving twelve months' notice.

In the event of this addition being acceptable to the Japanese Government, arrangements could be made for the formal conclusion of the agreement, which, it is suggested, might take the form of an exchange of notes.

W. LANGLEY.

for the Secretary of State.

DRAFT AGREEMENT.

THE JAPANESE Government, in view of the fact that the existing laws and regulations of Great Britain in regard to measurement of tonnage of merchant ships are in substantial agreement with those of Japan, hereby signify their readiness that they will deem the British ships the certificates of registry and other national papers of which are dated on or after the 1st January, 1895, to be of the tonnage denoted in the said documents and exempt such ships from being remeasured in any port or place within the Japanese territory or in localities under the control of Japan, on condition that His Britannic Majesty's Government will engage to accord a similar treatment to ships of Japan equipped with certificates of registry or other national papers duly issued by the competent Japanese authorities on or after the 1st October, 1914, and exempt such Japanese ships from being remeasured in any place within the British territory or in localities under the control of Great Britain.

* No. 59 in Dominions No. 56. † No. 147. ‡ No. 69 in Dominions No. 56.

§ No. 64 in Dominions No. 50. || No. 68 in Dominions No. 50.

* Enclosure 3 in No. 57 in Dominions No. 56. ** Enclosure 1 in No. 57 in Dominions No. 56.

Either of the contracting Governments may, on giving to the other twelve months' notice to that effect, terminate this agreement either as a whole or separately in respect of any of the following parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, Newfoundland, and His Majesty's Indian Empire.

In the event of the agreement being terminated in respect of any such part of His Britannic Majesty's Dominions, the agreement shall cease to apply to British ships registered therein.

Enclosure 2 in No. 148.

(No. 42.)

Japanese Embassy, London,
23rd February, 1918.

SIR,

THE contents of your note of the 19th June last with regard to the proposed agreement for the reciprocal recognition of the tonnage measurements recorded in certificates of registry of British and Japanese ships were duly communicated to my Government, and I have the honour to inform you that a communication has recently been received from Tokyo stating that, it being the desire of the Japanese Government from the outset to arrive at reciprocal recognition without any condition, they are inclined to think that the insertion of an additional clause providing for termination of the agreement as desired by the British Government would weaken the validity of the agreement, and there being no such precedent in agreements of similar nature which have hitherto been concluded by Japan with other countries, the Imperial Government would like to see no insertion of such a clause be made in the agreement. Should there be any special circumstances which make the British Government difficult to leave out such a clause from the agreement, the Japanese Government would be glad if they could be enlightened upon these circumstances in which the insertion of such a clause is particularly desired in regard to the British Dominions only.

I beg to add that, in the draft agreement attached to your note above alluded to, no mention is made of the necessity that the national papers in possession of the British ships should be those duly issued by the competent British authorities. The Imperial Government assume that this omission was made simply for the sake of brevity, and they would like to know if their assumption is correct.

I should therefore be much obliged if you would be good enough to communicate the above with the authorities concerned and use your good offices to the end that the wishes of the Imperial Government in this respect might be met with by the British Government in order that the arrangements for the formal conclusion of the agreement might be made as soon as possible.

I have, &c.,
S. CHINDA.

The Right Honourable
Arthur James Balfour, O.M., M.P.,
&c., &c., &c.

Enclosure 3 in No. 148.

YOUR EXCELLENCY,

Foreign Office, S.W.1., 12th July, 1918.

I HAVE the honour to refer to Your Excellency's note No. 42, of 23rd February last, relative to the proposed agreement with regard to the measurement of tonnage of British and Japanese vessels, and to inform Your Excellency that His Majesty's Government will raise no objection to the insertion in the agreement of the words "duly issued by the competent British authorities" after the words "the certificates of registry and other national papers," as suggested in the second paragraph of Your Excellency's above-mentioned note.

2. As regards the insertion of a clause providing for a separate termination of the agreement in respect of His Majesty's Self-governing Dominions or His Majesty's Indian Empire, I have the honour to explain that such a provision is necessary to meet the constitutional position, and I may observe that it is in

accordance with established practice in connexion with modern treaties of commerce and navigation, such as the Anglo-Japanese Commercial Treaty of 1911. His Majesty's Government trust, therefore, that the Japanese Government will waive any objections they may have on this point.

I have, &c.,
W. LANGLEY.

His Excellency
The Viscount Chinda,
&c., &c., &c.

53698

No. 149.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 150.]

(Canada.	} Dominions No. 759. Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 26th September, 1919.

WITH reference to my predecessor's Confidential despatch of the 26th July, 1918,* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of correspondence with the Japanese Embassy on the subject of the Anglo-Japanese Tonnage Measurement Agreement.

I have, &c.,
MILNER.

Enclosure 1 in No. 149.

(No. 166.)

MY LORD,

Japanese Embassy, London, 24th July, 1919.

WITH reference to Mr. Balfour's note of the 12th July, 1918, on the subject of the proposed agreement in regard to the admeasurement of tonnage of British and Japanese vessels, in which he was good enough to explain that the insertion of a clause providing for a separate termination of the agreement in respect of His Majesty's Self-governing Dominions, or His Majesty's Indian Empire, was necessary to meet the constitutional position, I have the honour, under instructions from His Majesty's Minister for Foreign Affairs, to state that the Japanese Government entertain the fears that, in case such provision was added to the agreement, it might happen in future that one of the British Oversea Dominions desire to terminate the agreement on its own behalf, with the result that, while vessels with the nationality of the United Kingdom would continue to enjoy the recognition of tonnage in Japanese waters, vessels with the Japanese nationality would be denied the facility in India or other British possessions, as the case may be, where we have close commercial relations, and, consequently, the spirit in which the agreement is proposed, viz., the mutual recognition of the admeasurement of tonnage, would, in fact, be altogether defeated. Accordingly, it is requested that the matter may again be submitted to the consideration of the British Government, and that they will see their way to make a decision relieving the Japanese Government from their apprehension above indicated to the end that the proposed agreement between the two Governments may be reached at an early date.

I have, &c.,
S. CHINDA.

The Right Honourable
Earl Curzon of Kedleston, K.G.,
&c., &c., &c.,
Foreign Office.

* No. 148.

Enclosure 2 in No. 149.

(No. 126624/C/123.)

SIR,

Foreign Office, S.W.1, 15th September, 1919.

WITH reference to Viscount Sutei Chinda's note No. 166, of 24th July, relative to the Anglo-Japanese Tonnage Measurement Agreement, I have the honour to state that, after due consideration of the views expressed therein, His Majesty's Government find themselves unable to agree to the omission of the clause to which the Japanese Government have raised objection.

2. I desire to point out that it was the Japanese Government who proposed that a new agreement should be made on this subject, and that His Majesty's Government consented to meet their wishes subject to the insertion of the clause providing for a separate termination in respect of the Self-governing Dominions and India.

3. The principle of reciprocity would seem to be amply satisfied by the provision that, in the event of the agreement ceasing to apply to a Dominion, it shall also cease to apply to British ships registered in that Dominion.

I have, &c.,

(for Earl Curzon of Kedleston),

VICTOR WELLESLEY.

Matsuzo Nagai, Esq.,

&c.,

&c.,

&c.

5707

No. 150.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd February, 1920.)

(Confidential.)

MY LORD,

Government House, Wellington, 19th December, 1919.

WITH reference to your Confidential despatch, Dominions No. 759, of the 26th September,* transmitting copies of correspondence with the Japanese Embassy on the subject of the Anglo-Japanese Tonnage Measurement Agreement, I have the honour to inform Your Lordship that the Government of New Zealand does not desire to depart from the decision arrived at in September, 1916,† that New Zealand should participate in the proposed agreement between Great Britain and Japan on the same conditions as are contained in it in regard to Great Britain, and that no special provision for withdrawal should be made so far as this Dominion is concerned.

I have, &c.,

LIVERPOOL,

Governor-General.

LATVIA.

Proposed Commercial Treaty. Position of British Subjects under Commercial Treaties.

36462

No. 151.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21st July, 1921.)

[Answered by No. 152.]

SIR,

Foreign Office, S.W.1, July 20th, 1921.

I AM directed by the Marquess Curzon of Kedleston to state, for the information of the Secretary of State for the Colonies, that it is proposed to conclude a

* No. 149.

† See No. 69 in Dominions No. 56.

commercial convention between this country and Latvia, and the question has arisen as to the formula to be used with regard to the participation of the self-governing Dominions in the treaty.

2. As Mr. Churchill is aware, it has been held in the past that various commercial conventions which gave rights to British subjects as such entitled individuals from any self-governing Dominion to claim the advantage of these stipulations, even though there was an exception clause providing that the Convention should only apply to a self-governing Dominion after it had given notice of its wish to be bound thereby, and though no such notice had been given. In particular, His Lordship refers to correspondence which has taken place on the subject of Australians claiming the benefits of the commercial treaty with Japan, even though Australia was not bound by that treaty. I am also to refer to the recent correspondence with your department on the subject of the decision of the Supreme Court of the United States, in a case raising an analogous issue.

3. His Lordship is of the opinion that, in view of the change which has taken place in the position of the Dominions since the War, it is undesirable for His Majesty's Government to conclude further commercial treaties in language which can give rise to any such claim. Recent experience at Barcelona has shown the difficulty which foreigners have in comprehending the relationship between the Mother Country and the self-governing Dominions, and their desire to avoid for the future any ambiguity as to whether or not a self-governing Dominion is bound by a convention on commercial matters to which His Majesty's Government are a party.

4. With a view to settling this matter and to deciding the formula which should be adopted in this and similar treaties in future, Lord Curzon would suggest that a conference should be held at an early date at the Foreign Office between representatives of the Foreign Office, Colonial Office and Board of Trade. The question of including the mandated territories in future commercial conventions could be discussed at the same time.

5. In conclusion, I am to propose that, if the Colonial Office and the Board of Trade concur, the conference should be held in Sir Cecil Hurst's room at the Foreign Office on such date as may be arranged unofficially.

6. A similar communication is being addressed to the Board of Trade.

I am, &c.,

ESMOND OVEY.

33011

No. 152.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 153.]

SIR,

Downing Street, 16th September, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 20th July,* relative to the proposed Commercial Convention with Latvia. A copy of the draft Convention prepared in the Board of Trade has been forwarded by that Department to this office.

2. It is gathered from your letter that the Marquess Curzon of Kedleston considers it desirable that the draft prepared in the Board of Trade should be modified so as to make it clear that no rights under the Treaty can be claimed on behalf of British subjects connected with any self-governing Dominion to which the Treaty does not extend, and that all future Commercial Treaties should be drawn up on the same basis.

3. There is no ambiguity under existing Treaties, or under the model draft Treaty which has been followed by the Board of Trade in preparing the draft Convention, as to the obligations of the self-governing Dominions, and it is presumed that it is not, as suggested in your letter, the obligations of the self-governing Dominions which need to be taken into consideration in the present connexion, but their rights, that is to say, the rights which can be claimed either on behalf of self-governing Dominions to which the Treaty does not apply geographically, or on behalf of British subjects on ships belonging to such Dominions.

* No. 151.

4. Your letter refers only to rights conferred on British subjects, but a similar question arises in regard to the rights of British ships. Further, it seems to Mr. Churchill that on the principle suggested in your letter, action should no longer be taken to secure that goods the produce, etc., of a non-adhering Dominion should be entitled to most-favoured-nation treatment in the foreign country so long as the goods of the foreign country receive most-favoured-nation treatment in the non-adhering Dominion.

5. The question cannot, however, be considered solely with reference to the Dominions. Colonies also may not adhere, and the same question therefore arises with regard to non-adhering Colonies. The matter cannot, therefore, be considered solely with reference to the constitutional relation of the Dominions to the Mother country.

The position with regard to Protectorates for whose adhesion as well as for that of the Dominions and Colonies it is now customary to provide in the "Colonial Article" of Commercial Treaties, is different from that with regard to the Dominions and Colonies. Protectorates are not parts of His Majesty's territories. The non-adherence of a Protectorate therefore does not, like the non-adherence of a Dominion or Colony, limit the geographical scope of the Treaty in its application to His Majesty's territories, and British subjects established in the Protectorates and British ships registered in the Protectorates are clearly under Treaties applying or applicable only to His Majesty's territories proper entitled to the benefits conferred by the Treaties on British subjects established in foreign countries and on British ships registered in foreign ports, such as Shanghai.

6. Even if, however, the matter could be considered solely with reference to the Dominions, it must be remembered that the model draft Treaty was adopted after consultation with the Dominions, and any departures from the model draft involving questions of high principle, such as that raised in your letter, could not be adopted without further consultation with the Dominions.

7. The question of the position under a Commercial Treaty conferring benefits on British subjects generally of British subjects connected with a part of His Majesty's territories to which the Treaty does not apply formed the subject of opinions by the Law Officers of the Crown in 1899* (Webster and Finlay), and in 1911† (Isaacs and Simon). These rulings have repeatedly, both in communications with foreign Governments and in communications with the Dominions, been adopted by His Majesty's Government as a matter of settled policy, and it has further been accepted that the principle laid down by the Law Officers as regards subjects applies also to ships.

8. The position under existing Treaties is a matter of construction. Reference is made in your letter to the position of Australians under the existing Treaty with Japan, but the question of principle has been more than once discussed with Japan, and Japan has not found herself in a position to dispute the views of the Law Officers.

9. Nothing has occurred to suggest that the policy adopted by His Majesty's Government in regard to the construction of existing Treaties is wrong, except possibly the recent ruling of the Supreme Court of the United States as to the position of Canada under the Real and Personal Property Convention of 1899 with the United States. The correctness of this ruling, and its effect on the general question, are to be referred to the Law Officers of the Crown when the brief submitted by the United States Government to the Supreme Court has been received. In the meantime, I am to point out that the Convention of 1899 was of a special character, as no rights were conferred except on British subjects, and consequently there was nothing to be lost, in the view of the Law Officers, by non-adherence, whereas under a general Commercial Treaty non-adherence is followed by the loss of all the rights conferred on His Majesty's territories as such. This aspect of the matter, together with the special action taken by His Majesty's Government in concluding the Supplementary Agreement of 1900, in order to give effect to belated notifications of adhesion of British possessions and the fact that the right to terminate the application of the Convention to British possessions was conferred on the United States as well as on His Majesty appear to have governed the decision of the Supreme Court, and the inclusion of Protectorates in the Colonial Article points in the same direction.

* Law Officers' Opinions Series, Vol. V, Nos. 206a, 282a and 286a. † Law Officers' Opinions Series, Vol. VII, No. 137.

10. The criterion adopted by the Supreme Court in disqualifying the Canadian British subject whose case was before them was that of residence in Canada. It is not stated in your letter what test it would be proposed to adopt to exclude Dominion British subjects. It will be remembered that the test for defining Canadian nationals adopted in the Act passed by the Canadian Parliament is much wider than that adopted by the United States Supreme Court. A further letter is being addressed to you with regard to that Act.

11. Even if it should be decided that the ruling of the United States Supreme Court cannot be questioned, it may be possible for the reasons given above to hold that the circumstances of the Conventions of 1899 and 1900 with the United States were so special that acquiescence in the ruling would not affect the position hitherto adopted with regard to general Commercial Treaties, but should this not be the case, it would be necessary for His Majesty's Government to communicate with the Dominion Governments before abandoning a policy to which His Majesty's Government are so deeply committed.

12. Your letter, however, suggests that even if the attitude hitherto adopted by His Majesty's Government were correct, it would not be desirable for His Majesty's Government to conclude Treaties in future which conferred rights on British subjects connected with Dominions which have not adhered to such Treaties. In this view the Secretary of State cannot concur. He is unable to perceive any distinction in principle between the right of His Majesty's Government to extend diplomatic protection to British subjects connected with the Dominions and their right to secure by Treaty any particular rights for such British subjects. His Majesty's Government can have no interest in drawing such a distinction and, as a matter both of principle and of practical convenience, it is highly desirable that the personal rights of all British subjects in a foreign country should stand on the same footing. That the Canadian Government do not find anything in the present system incongruous with the status of the Dominion is clear both from the assistance which they gave to the Canadian claimant before the United States Supreme Court and from the expression of satisfaction contained in the recent despatch from the Governor-General with the proposal that all British subjects should be entitled to the mining rights to be secured by the contemplated new Treaty with Siam. Mr. Churchill has no reason to suppose that the other Dominions hold any different view.

13. It is not clear in any case why it should be necessary to consider such a fundamental principle with reference to Treaties with such States as Latvia and Finland, and it is not understood why any special difficulty should be apprehended in meeting any objection that might be raised by either State to a proposal that the rights to be conferred on British subjects by the Treaty should extend to all British subjects.

14. The view of the Board of Trade that Article 23 of the draft Treaty does not apply to mandated territory appears to be correct. In this connexion, I am to refer to the correspondence with the Foreign Office and the Dominion Governments with regard to the taking of special steps to arrange for the inclusion of mandated territories in the proposed Extradition Treaty with Finland and in future Extradition Treaties. Any proposal to extend the operation of the "Colonial Articles" of future Commercial Treaties so as to provide for the cases of mandated territory would require previous consultation with the Dominion Governments holding "C" Mandates. The necessity of making such provision in Treaties with Latvia and Finland is not, however, apparent.

The prospect of the Treaties when made being applied by adherence to Australia, New Zealand, and the Union of South Africa is remote, and it is, to say the least, doubtful whether these Dominions would have any interest in securing rights for their mandated territories in countries with which they can have so little trade connexion. The position is much the same with regard to the territories to be mandated to Great Britain.

15. Article 11 of the draft Treaty is, however, made applicable to mandated territory by the words "under their (the Contracting Parties) Sovereignty or authority." The Contracting Party on the British side would be the King and all British mandated territory is under His Majesty's authority. No provision is, however, made with regard to mandated territory in Article 23, and it will therefore be necessary, unless such provision is made in Article 23 (which, as stated above, is of doubtful necessity, and in any case would require consultation with the Mandatory Dominions) it will be necessary in paragraph 1 of Article 11 to substitute

"their territories" for "territory under their sovereignty or authority" and to make a similar alteration in paragraph 4.

16. It is observed that it is proposed to make in Article 6 of the draft Treaty provision to meet the position which has arisen in the United Kingdom in consequence of the passing of the Safeguarding of Industries Act. It is presumed that if this Article were confined, as proposed, to the United Kingdom, it would not be possible for any other part of the Empire to adhere which wished to adopt a similar policy in the matter of the treatment of imports from countries with a depreciated exchange.

17. A note indicating some other changes which it appears desirable to make in the draft Treaty is enclosed.*

18. A copy of this letter has been sent to the Board of Trade.

I am, &c.,

HENRY LAMBERT.

Annexure.

DRAFT TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM AND

(Extract.)

Article 6.

NOTHING in this Treaty shall be held to prohibit the imposition in the United Kingdom of special rates of customs duty on specified articles of origin, other or higher than those levied on similar articles, the produce or manufacture of any other foreign country, in cases where such special rates of customs duty are levied in pursuance of legislation of general application enabling the imposition of such duties on articles the produce or manufacture of any country where such articles are being sold or offered for sale in the United Kingdom at prices which, by reason of depreciation in the value in relation to sterling of the currency of the country in which the articles are produced or manufactured, are below the prices at which similar articles can be profitably produced or manufactured in the United Kingdom, and that by reason thereof, employment in the United Kingdom is being or is likely to be seriously affected.

Nevertheless, it is agreed that the following articles, the produce or manufacture of shall in no circumstance be subject on importation into the United Kingdom to other or higher duties than those paid on the like articles, the produce or manufacture of any other foreign country.

Article 11.

1. The measures taken by the Contracting Parties for regulating and forwarding traffic across territory under their sovereignty or authority shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit, or destination, or on any circumstances relating to the ownership of goods or of vessels, coaching, or goods, stock or other means of transport.

In order to ensure the applications of the foregoing provisions the contracting parties will allow transit in accordance with the customary conditions and reserves across their territorial waters.

2. Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit) except for such dues as are intended solely to defray expenses of supervision and administration entailed by such transit.

3. Neither Contracting Party shall be bound by this Article to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants.

4. For the purposes of this Article, persons, baggage, and goods, and also vessels, coaching and goods stock, and other means of transport shall be deemed to be in transit across territory under the sovereignty or authority of one of the Contracting Parties when the passage across such territory, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport, is only

* Not printed, as the changes were of a minor character.

a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place.

Article 23.

The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates beyond the seas, unless notice of the desire of His Majesty's Government that the said stipulations shall apply to any such self-governing Dominion, Colony, Possession, or Protectorate, shall have been given by His Britannic Majesty's Representative at before the expiration of one year from the date of the exchange of the ratifications of the present Treaty.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's Dominions, Colonies, Possessions, and Protectorates shall enjoy in complete and unconditional most-favoured-nation treatment, so long as such Dominion, Colony, Possession, or Protectorate shall accord to goods the produce or manufacture of treatment as favourable as it gives to the produce or manufacture of any other foreign country.

55125

No. 153.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7th November, 1921.)

SIR,

Foreign Office, S.W.1, 5th November, 1921.

I AM directed by the Marquess Curzon of Kedleston to refer to Foreign Office letter* and to Sir Henry Lambert's reply of 16th September,† of which a copy was sent to the Board of Trade, regarding the proposed commercial agreement between this country and Latvia, and to state that in spite of the considerations put forward by your department Lord Curzon is of opinion that the questions regarding the Dominions and Mandated Territories would be best settled by a small *ad hoc* conference between representatives of the Foreign Office, Colonial Office, and Board of Trade.

2. I am therefore to inquire whether Mr. Secretary Churchill would be prepared to send representatives to such a conference in Sir C. Hurst's room at the Foreign Office, on such date as may be unofficially arranged to suit their convenience.

I am, &c.,

J. D. GREGORY.

LEAGUE OF NATIONS.

Proposed Amendments of Covenant.

13949

No. 154.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL

(Sent 5.15 p.m., 7th April, 1921.)

TELEGRAM.

[Answered by No. 155.]

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

7TH APRIL. As your Ministers will know, Commission has now been formed, of which Mr. Balfour is Chairman, to consider amendments to Covenant of League of Nations. If your Ministers have any observations which they would wish to communicate to Mr. Balfour with regard to the proposals to be considered by this Commission, as set out in League of Nations paper 21/68/47, now on the way to your Prime Minister, or on the question generally, His Majesty's Government will be happy to forward them.—SECRETARY OF STATE FOR THE COLONIES.

* No. 151.

† No. 152.

21487

No. 155.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.30 p.m., 30th April, 1921.)

TELEGRAM.

30TH APRIL. Your telegram 7th April.* Ministers deprecate separate action without previous consultation among members of British Empire on matter of such importance as amendment of Covenant League Nations. Such action is calculated to lead to unnecessary differences between them at next general meeting of Assembly. Ministers suggest that proposed amendment to Covenant be discussed between Imperial Government, Mr. Balfour, and Dominion Prime Ministers this summer in London with a view to arriving at some agreement on amendments to be supported to British Empire. If this is accepted, other Dominions to be notified accordingly.—ARTHUR FREDERICK.

63114

No. 156.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.	} Dominions. Treaty No. 47.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	

[MY LORD,] [SIR,] Downing Street, 31st December, 1921.

WITH reference to my telegram of 7th April,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] to be laid before your Ministers, a memorandum† showing the original text of the Articles of the Covenant of the League of Nations in respect of which proposals for amendment were adopted by the Second Assembly of the League, together with the text of these Articles as amended by the Assembly.

2. I also enclose a copy of a note by Mr. Balfour relating to the agreement which he made with the French delegation at Geneva that no action would be taken by His Majesty's Government or the French Government as regards ratification of the proposed amendment to Article 16 (Economic Blockade) before the meeting of the Assembly of the League in 1922.

3. The question of the arrangements for the signature on behalf of His Majesty's Government of the protocols setting out the remaining resolutions amending various Articles of the Covenant, is now under consideration. I hope to be in a position to communicate with you again shortly on this point, and also regarding the ratification of these protocols.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 156.

British Delegation, Hotel Beau Rivage, Geneva.

MR. BALFOUR presents his compliments to the Secretary to the Cabinet, and begs to state that at the close of the discussion in the Plenary Meeting of the Assembly, on 5th October, of the Report of the Committee on Article 16 of the Covenant, dealing with the enforcement of the Economic Blockade, he agreed, verbally, with the French Delegation that neither Government would ratify the amendments to the Covenant which this Report involves before the next meeting of the Assembly. He also agreed with the French Delegation that the two Governments should act in common on this question.

The reason which led Mr. Balfour to agree to this French proposal was that some confusion arose towards the end of the debate as to the exact nature of the action which

* No. 154. † C.P. 5477. The amendments are contained in the Annexure to League of Nations letter C.L. 100, 1921, V, of the 24th November, 1921.

was being taken. Towards the close of the discussion of this Report on the previous day, the Dutch Delegation had proposed that, in view of the complexity attaching to some of the points, the whole subject should be adjourned until the Third Assembly, so as to give time for further study upon certain points. At the commencement of the discussion, on 5th October, the Chairman and Rapporteur of the Committee submitted a proposal that the recommendations and proposed amendments embodied in the Report which had been accepted by the Assembly should be regarded as provisionally in force. This suggestion was accepted by many delegations, including the French and British, upon the assumption that it constituted an addition to the proposal of the Netherlands Delegation and was not in substitution for it. It subsequently transpired that it was intended to be a substitution. The two delegations found themselves, therefore, in a position of having accepted certain proposals which they thought were being adjourned until next year. As no amendment can come into force until both the French and British Governments, as Members of the Council, have ratified it, the agreement which Mr. Balfour has made, and which is indicated in the first paragraph of this note, will prevent any harm arising, and the question can be reconsidered, if necessary, at the next meeting of the Assembly.

6th October, 1921.

MANDATES.

(1) Attitude of Japanese Government.

7628

No. 157.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.40 a.m., 17th February, 1921.)

TELEGRAM.

[Answered by No. 158.]

(Paraphrase.)

WITH reference to your Secret despatches of 21st August and 29th November,* attitude of the Japanese as regards mandates for former German colonies. Government of New Zealand, as mandatory for Western Samoa is in complete agreement with the Commonwealth Government in its desire to maintain strict observance of the obligations of the Treaty and of the definite understanding arrived at in respect of the "C" Mandates, and Ministers cannot agree to proposals of the Japanese outlined in enclosures to first mentioned despatch. The New Zealand Government also endorses the views expressed in the last two paragraphs of the telegram dated 15th November,† from the Governor-General of Australia.—JELlicoe.

7628

No. 158.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada.	} Secret.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 23rd February, 1921.

[To all except New Zealand: With reference to [Canada and Union: my predecessor's Secret despatch of 29th November†] [Commonwealth: your telegram of 15th November†] I have the honour to transmit to [Your Excellency] [Your Royal Highness] for the information of your Ministers, a copy of a telegram§ from the Governor-General of New Zealand] [To New Zealand: I have the honour to

* Nos. 46 and 48 in Dominions No. 80. † No. 47 in Dominions No. 80.
‡ No. 48 in Dominions No. 80. § No. 157.

acknowledge receipt of Your Excellency's telegram of 17th February.*] *To all:* regarding the Japanese attitude as to the Mandates for the former German Colonies.

2. As your Ministers are aware, the Council of the League of Nations settled the terms of the "C" Mandates on 17th December, and at the same time a Declaration regarding them was made by the Japanese Government. A copy of this Declaration is enclosed for reference.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 158.

DECLARATION BY THE JAPANESE GOVERNMENT RELATING TO "C" MANDATES.

FROM the fundamental spirit of the League of Nations and as the question of interpretation of the Covenant, His Imperial Japanese Majesty's Government have a firm conviction in the justice of the claim they have hitherto made for the inclusion of a clause concerning the assurance of equal opportunities for trade and commerce in "C" Mandates. But from the spirit of conciliation and co-operation and their reluctance to see the question unsettled any longer, they have decided to agree to the issue of the Mandate in its present form. That decision, however, should not be considered as an acquiescence on the part of His Imperial Japanese Majesty's Government in the submission of Japanese subjects to a discriminatory and disadvantageous treatment in the Mandated territories; nor have they thereby discarded their claim that the rights and interests enjoyed by Japanese subjects in these territories in the past should be fully respected.

(2) Attitude of United States Government.

42969

No. 159.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.	} Dominions Treaty No. 30. Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	

MY LORD,

Downing Street, 1st September, 1921.

I HAVE the honour to request Your Excellency to inform your Ministers that the President of the Council of the League of Nations, having, after the meeting held in June, 1921, addressed a letter to the Principal Allied Powers requesting that the latter should negotiate direct with the United States Government on various points at issue in connexion with Mandates, the Secretary of State for Foreign Affairs has been pressing the United States Ambassador in London to communicate the views of his Government on the question.

2. A Memorandum by Colonel Harvey dated 24th August, a copy of which is enclosed, has now been communicated to His Majesty's Government.

3. I take the opportunity of forwarding a Memorandum from the French Ambassador suggesting a modification in the terms of the "B" Mandates for the Cameroons and Togoland.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure 1 in No. 159.

MEMORANDUM, 24TH AUGUST, 1921.

POSITION OF THE GOVERNMENT OF THE UNITED STATES CONCERNING MANDATES.

THE Government of the United States having welcomed the suggestion of Lord Curzon that there should be a discussion of the question of Mandates, Mr. Harvey improves this opportunity to communicate to him the following views of his Government thereon—as it is thought best to re-state the general principles which

* No. 157.

are deemed to be involved before proceeding to the consideration of the precise terms of draft mandates:—

1. The Government of the United States adheres to the position already stated that the right to dispose of the overseas possessions of Germany was acquired only through the victory of the Allied and Associated Powers, and that there can be no valid or effective disposition of these territories without the assent of the United States as one of the participants in that victory.

2. This position of the United States is not opposed, but is confirmed, by the Treaty of Versailles by which Germany renounced in favour of the principal Allied and Associated Powers, of which the United States was designated to be one, all her rights and titles over her overseas possessions. It may be observed that in providing, as stated in Article 440, for the coming into force of that Treaty when it had been ratified by Germany and three of the principal Allied and Associated Powers it was manifestly not the intention that on such ratification by three Powers there should still remain in Germany any undivided share of title or sovereignty in the overseas possessions described. It would seem to be clear that the renunciation set forth in Article 119 of the Treaty was not intended to be divisible.

In the light of all the pertinent considerations this Government perceives no possible basis for a claim that the other Principal Allied and Associated Powers would be entitled to exclude the United States from full participation, and the United States does not understand that any such claim is made.

3. The right of the United States in the territories in question could not be made the subject of such disposition as is proposed without its assent, and under its constitutional system the giving of this assent is not exclusively within the authority of the President. It is thought, however, that there would be no difficulty in negotiating an appropriate treaty if the terms of the mandate were defined in the line of the following suggestions. It is not the intention of the Government of the United States to raise objection to allocation or terms of Mandates for the purpose of seeking additional territory or for any other purpose than to safeguard the interests of the United States and the fair and equal opportunities which it is believed the United States should enjoy in common with the other Powers.

4. With respect to Mandated "A" territories other than those which were formerly possessions of Germany, while it is true that the United States did not declare war against Turkey, still the opportunity of the Allied Powers to secure the allocation of Mandates and the administration of territories formerly under Turkish rule was made possible only through the victory over Germany, and the United States assumes that, by reason of its relation to that victory and of the fundamental principles recognized by the British Government as applicable to the administration of Mandated "A" territories, there would be no disposition in relation to any of these territories to discriminate against the United States or to refuse to safeguard equality of commercial opportunity.

5. With this understanding, and without attempting to re-state the general principles governing Mandates which have been the subject of previous correspondence between the two Governments, the Government of the United States desires to submit the following special observations as to the forms of Mandates which have been proposed:

(A) Capitulatory rights. In the draft for Syria and Lebanon there is a provision in Article 5 not found in the Mandates for Mesopotamia and Palestine, to the effect that Foreign Consular Tribunals shall continue to perform their duties until the described new legal organization is set up. It is desired that there should be a similar provision in the Mandate for Mesopotamia, and that in the Mandate for Palestine it should be provided that capitulatory rights shall be continued until adequate courts are established. Provision should also be made in all "A" Mandates for the revival of capitulatory rights in the event of the termination of the mandate régime.

(B) Provisions against discrimination. The limitation of protection in Articles 11 and 14 of the Mandates for Syria and Lebanon and of Articles 18 and 21 of the Mandate for Palestine to States that are members of the League of Nations should be removed and the protection extended so as to embrace the United States. This could be effected by referring to any State mentioned in the annex to the Covenant of the League of Nations. The reference to incorporated companies in Article 18 of the Mandate for Palestine is too narrow, and should be broadened to embrace societies and associations (see Article 11 of Mandate for Syria and Lebanon).

It is desired that there should also be provision against discrimination in concessions. British "B" Mandate for East Africa, Article 7, provides as follows: "Concessions for the development of natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States members of the League of Nations but on such conditions as will maintain intact the authority of the local Government." Similar provision should be inserted in "A" Mandates and broadened to embrace the United States.

There should also be appropriate provision against the granting of monopolistic concessions or the monopolizing of natural resources by the Mandatory itself.

(C) Missionaries.

In the Mandate for Syria and Lebanon protection is accorded provided activities are confined "to the domain of religion." It would appear as if the intention were to restrict, if not to eliminate. (See Franco-British Convention, Article 9, signed at Paris, 23rd December, 1920.)* It is desired that present and future activities, both religious and educational, of our missionaries who are nationals of the United States should be fully protected, and it is suggested that provision similar to Article 8 of the British "B" Mandate for German East Africa be incorporated in all "A" Mandates.

(D) It will be understood that the consent of the United States shall be necessary to any modification of a Mandate after it has been agreed to.

Draft "B" Mandates.

(A) The provisions of Article 6 of the British and French Mandates for the Cameroons and Togoland and of the Belgian Mandate for German East Africa, and of Article 7 of the British Mandate for German East Africa, are not extended to the nationals of the United States. This should be corrected, and it might be sufficient to substitute "Nationals of States mentioned in the Annex to the Covenant of the League of Nations" for "Nationals of States members of the League of Nations" in each of these articles.

In the third paragraph of the same Article in each Mandate it should also be provided that monopolistic concessions should not be granted by the Mandatory nor should natural resources of the mandated territory be monopolized by the Mandatory itself.

(B) Article 8 of the British Mandate for East Africa is acceptable, and its provisions should be substituted for those of the corresponding Article numbered 7 in the other "B" Mandates.

(C) Article 10 of the British Mandate for East Africa contains a clause "Provided always that the measures adopted to that end do not infringe upon the provisions of this Mandate" which might well be added to the corresponding Article 9 of the other "B" Mandates.

(D) The consent of the United States will be necessary to modify the Mandate terms.

The above views of the United States Government with reference to "A" and "B" Mandates will be communicated to the Governments of France, Italy and Japan.

The following is communicated as special and confidential to the British Government for their information respecting the United States point of view regarding "C" Mandates, discussion of which does not seem necessary at this time:—

Draft "C" Mandates except for Yap.

(A) Article 5 should be changed so as to embrace nationals of the United States, and to avoid ambiguity as to educational and charitable activities of missionaries it would be preferable to have the same provision as in Article 8 of the British "B" Mandate for German East Africa.

(B) All "C" Mandates treat mandated territory for administration and legislation as an integral portion of the territory of the Mandatory. This, unless qualified would permit discrimination. It is desired that the Mandatories respectively should guarantee to United States most-favoured-nation treatment in all "C" Mandate territories reserving, however, the present special treaty rights of the United States as to German Samoa, under Article 3 of the Treaty concluded at Washington, 2nd December, 1899. The Government of the United States has already protested against the discriminatory tariff imposed by New Zealand in violation of this Treaty (in which connexion reference is made to the Note of the Foreign Office dated 19th January, 1921, No. A 171/171/45).†

* [Cmd. 1195.]

† See Nos. 169-166.

(C) There should be provision similar to that proposed in the other forms of Mandates prohibiting monopolistic concessions by the Mandatory or the monopolizing of natural resources by the Mandatory itself.

(D) As in other cases, modification of Mandate will be subject to assent of the United States.

The Island of Yap, because of its special characteristics and availability for communication purposes, should be treated specially, and negotiations to this end are in progress. It is not desired to include Yap in the present representations as to terms of Mandates.

6. In connexion with the question of "A" Mandates the following additional points should be noted:—

(A) In the Note of His Majesty's Government of 28th February, 1921,* relating to the application of the principle of equality of treatment to former Turkish territories it was observed that by Article 1 of the Philippine Petroleum Act, approved 31st August, 1920, participation in the working on public lands in the Philippine Islands containing petroleum is confined to citizens or corporations of the United States or of the Philippines. This enactment was mentioned as inconsistent with the general principles announced by this Government.

To avoid misapprehension upon this point it should be stated that shortly after the enactment in question the Government of the United States recommended that it should be so amended as to conform to the reciprocity provision of the United States General Leasing Law of 25th February, 1920. At the last session of the Philippine Legislature an amending bill was passed, the object of which was to relax substantially the restrictions embodied in the original Act; nevertheless, in the opinion of the Government of the United States the proposed amendment did not sufficiently meet the situation, and it is the intention of the Government of the United States to take all appropriate steps with a view to bringing about at the next session of the Philippine Legislature in October a further amendment so that it may conform to the reciprocity provision above prescribed.

(B) In the same Note of His Majesty's Government reference is made to a concession said to have been granted before the War by the Turkish Government to the Turkish Petroleum Company. The Government of the United States has already pointed out in its Note of 20th November, 1920,† that such information as it then had indicated that, prior to the War, the Turkish Petroleum Company possessed in Mesopotamia no rights to petroleum concessions or to the exploitation of oil. The information possessed at present by the Government of the United States confirms this view. The Government of the United States is unable to conclude that any concession was ever granted by the Turkish Government to the Turkish Petroleum Company, and will shortly take up the considerations advanced by His Majesty's Government upon this subject. It is desired that if the claim of the Turkish Petroleum Company continues to be asserted, appropriate provision be made for the determination of this claim by suitable arbitration.

Enclosure 2 in No. 159.

AMBASSADE DE FRANCE À LONDRES.

PAR une note du 22 mai dernier l'Ambassadeur de France a eu l'honneur de transmettre à Sa Seigneurie le Principal Secrétaire d'Etat le texte des projets de mandats français pour le Togo et le Cameroun.

Ces formules avaient été établies en exécution de la décision prise le 7 mai, 1919, par le Conseil Suprême, et l'on pouvait espérer à cette époque que les Etats-Unis adhèreraient à la Société des Nations. Etant donné le refus du Gouvernement Fédéral de participer à cette Association, il apparaît au Gouvernement français qu'il y aurait lieu d'introduire dans les textes précités une légère modification.

En effet, l'article 6 de ces projets restreint l'égalité des avantages aux ressortissants des Etats membres de la Société des Nations. Cette rédaction n'ayant nullement en pour but d'écarter les Etats-Unis de bénéfice des dispositions insérées, il semble conforme à l'esprit qui a inspiré les textes des mandats d'assurer au Gouvernement Fédéral la possibilité de se réclamer de l'article 6 précité au même titre que les Etats membres de la Société des Nations. Les colonies allemandes ont été, au terme de l'article 119 du Traité de Paix, cédées aux Principales Puissances alliées et associées; le Gouvernement français estime donc que les ressortissants de ces Etats pourraient être mis sur le même pied que ceux des membres de la Société

* No. 5 in [Cmd. 1226].

† Enclosure in No. 4 in [Cmd. 1226].

des Nations, dont la composition, dans la pensée des rédacteurs du Traité de Versailles, devait englober l'ensemble des Nations victorieuses. En fait à l'exception de l'Amérique, les principales puissances alliées et associées sont entrées dans la Société des Nations, et l'avantage qui serait consenti aux principales puissances alliées et associées ne profiterait qu'aux Etats-Unis. On obtiendrait donc le résultat cherché sans pour cela accorder expressément une faveur spéciale à un Etat nommé désigné ce qui pourrait dans la suite être invoqué comme un précédent par d'autres puissances.

Les formules des mandats en question ayant été établie d'accord avec le Gouvernement Britannique le Comte de Saint-Aulaire serait très obligé à Sa Seigneurie le Marquis Curzon de Kedleston de vouloir bien lui faire savoir si cette manière de voir ne soulève pas d'objections de la part du Foreign Office. Il saisit cette occasion, etc.

Albert Gate House,
le 22 Août, 1921.

(3) Nauru Mandate.

42382

No. 160.

MEMORANDUM RELATING TO NAURU.

PREPARED IN THE COLONIAL OFFICE (AUGUST, 1922).

On the 9th September, 1914, the island of Nauru was unconditionally surrendered to His Majesty's Australian Ship "Melbourne," and was included in the capitulation on the 17th September, 1914. At the request of the Government of the Commonwealth of Australia, the Administration was then undertaken by the High Commissioner for the Western Pacific.

The Pacific Phosphate Company, which worked the deposits on Ocean Island (Gilbert and Ellice Islands Colony) had also been exploiting those on Nauru, under a lease from the Jaluit Gesellschaft, which held the monopoly of mining. The Company was allowed to recommence operations.

By a resolution of the Principal Allied and Associated Powers of the 7th of May, 1919, it was laid down that the mandate for Nauru should be given to the British Empire. The mandates in other cases (e.g., German East Africa, German South West Africa) were to be held by specified parts of the Empire.

During the negotiation of the Treaty of Versailles the disposal of Nauru was the subject of discussion between the representatives of His Majesty's Government and the Commonwealth and New Zealand Governments, these being the parts of the Empire who were the most directly interested. The result was an agreement dated the 2nd of July, 1919.

The main features of this Agreement (the text of which is scheduled to the Nauru Island Agreement Act, 1920), are:—

(i) That the administration of the island shall be vested in an Administrator, the first Administrator to be appointed for a term of five years by the Australian Government, and thereafter the Administrator to be appointed in such manner as the three Governments decide; (Article 1.)

(ii) That the expenses of the administration, so far as they are not met by other revenue, shall be defrayed out of the proceeds of the sale of the phosphates; (Article 2.)

(iii) That the phosphate industry should be taken over by the three Governments and worked by a Board of Commissioners, one Commissioner being appointed by each of the partner Governments; (Articles 3—6.)

(iv) That the phosphates be worked and disposed of for the purpose of the agricultural requirements of the United Kingdom, Australia and New Zealand, so far as those requirements extended. The actual division of the output to be in accordance with the following scale:—

United Kingdom	42 per cent.
Australia	42 per cent.
New Zealand	16 per cent.

(Articles 9 and 14.)

(v) That the supplies of phosphate to the partner Governments were to be at cost price, any supplies not required by the three Governments being sold by the Commissioners at the best price obtainable; (Article 11.)

The Pacific Phosphate Company were bought out and their interests taken over on the 1st of July, 1920.

The Agreement between the Governments provided for ratification by the Parliaments of the three countries. In this country, the Agreement was confirmed by the Nauru Island Agreement Act, 1920. The assent of the New Zealand Parliament was obtained by a Resolution of the 28th of October, 1919, and the Approval of the Australian Parliament was obtained by the passage of the Nauru Island Agreement Act (No. 8 of 1919). It will be noticed that action in the Dominion Parliaments preceded the action in the Parliament in this country.

There was a good deal of opposition to the arrangement in the House of Commons, and the criticisms for the most part took the following forms.

(i) That the effect of the arrangement was to give to the three Governments concerned a monopoly of the phosphate deposits, and that such a monopoly was contrary to the provision in Article 22 of the Covenant of the League of Nations, by which the Mandatories would secure equal opportunities for the trade and commerce of other Members of the League. This argument was developed on the second reading by Mr. Ormsby Gore (Hansard, 16th June, 1920, Col. 1311), Mr. Mosley (1313-14), Lord R. Cecil (1319), Mr. Asquith (1323), Mr. Thomson (1339), and Lieutenant Commander Kenworthy (1345).

(ii) That the Agreement should have been submitted to the Council of the League before the Bill was introduced into Parliament. This was the argument of Lord H. Cecil (1328).

(iii) That the Agreement recited that the Mandate had been conferred by the Allied and Associated Powers, whereas the Mandate should be conferred by the League. This point was made by Mr. Ormsby Gore (1309), and by Mr. Clynes (1342.)

(iv) That the Mandate had been conferred upon the British Empire, and therefore the exercising of it was not merely a matter for the three Governments which made the Agreement. This point was raised by Mr. Ormsby Gore (1309), and Mr. Asquith (1323).

The following excerpts from the statements by Ministers will serve to illustrate the line of reply to these criticisms:—

Colonel Leslie Wilson.

The Agreement is in the opinion of His Majesty's Government not one which requires to be submitted to the Council of the League.

The purchase of a private Company by the three Governments is obviously a commercial undertaking, and I do not see the difference between the purchase of this trading company by the three Governments and the purchase by an individual. It is a purely commercial business. . . .

I cannot see that the League of Nations has any right to interfere with this particular transaction which is purely a domestic question between the Company and the Governments concerned.

The Colonies (*sic*) which are primarily interested by their geographical position are New Zealand and Australia, and it is obvious that they should have the administration.

Mr. Bonar Law.

The subject was discussed in the British Empire Delegation at Paris, at which all the Dominions were present, and an Agreement of this kind was come to as the best method in all the circumstances of the case, so that any charge of unfairness to other parts of the British Empire may be put on one side.

It was decided by the Supreme Council that the right way was to give the Mandate to the Empire as a whole, and to leave it to the Empire to decide as to the best method of dealing with it.

The League of Nations has a perfect right to see that the administration of the territory is properly done, but the subject of the purchase of a private company would not properly come under the League of Nations at all.

In the course of the passage of the Bill through the House of Commons, an addition was made declaring the confirmation of the Agreement to be "subject to the provisions of Article 22 of the Covenant of the League of Nations." The amendment was carried against the Government, and Colonel Leslie Wilson made the following statements on the third reading stage:—

The Agreement had been signed by the Prime Ministers of Great Britain, Australia and New Zealand, and as these three Prime Ministers had also put their names to the Treaty of Peace, and to the Covenant of the League, it seemed to me that it was almost tantamount to saying that they were not prepared to carry out the provisions of the Treaty to which they had put their names, if it was believed that they did not intend to carry out the terms in accordance with Article 22 of the Covenant of the League. . . . The Agreement was in strict accord with Article 22 of the Covenant. There was another reason . . . and that was whether it was possible for two Governments to ratify the Agreement without any modification, and for the third Government to confirm the Agreement with a proviso such as the one which has been inserted. . . . The acceptance of the amendment makes it doubly clear . . . that the Agreement . . . is strictly in accordance with Article 22 of the Covenant. The other Governments concerned fully realize that it is strictly in accordance with the Article.

He also said that "the effect of the Amendment was to make the Agreement subject to the relevant paragraphs and passages of Article 22, and more particularly the relevant passages of paragraph 6, and not that part of paragraph 5, which refers to equal opportunities for trade for other members of the League."

He also said that "there never was the slightest intention that Class "C" mandates should be subject to the principle of the open door."

When introducing the Bill into the House of Lords, Viscount Milner called attention to the following considerations:—

(i) The League had nothing whatever to do with the conferring of mandates.

(ii) The mandates were drawn up by a Commission of which he was Chairman, and which sat at the London Office of the League of Nations, and had an Officer of the League as its Secretary.

(iii) Those mandates were then in existence, and it was simply due to a series of accidental delays that they had not been finally passed by the Supreme Council, representing the principal Allied and Associated Powers, and communicated to the Council of the League of Nations, whose duty it would be to watch over the observance of their provisions.

(iv) In the meantime, the mandatory Powers must carry on the administration of the territories on the assumption that the Mandates as drafted by the Mandates Commission, did correctly define the conditions of their trust, and would in due course be formally ratified.

(v) It is a complete mistake to suppose that the Agreement itself needs to be submitted to the Council of the League. If no mandatory Power should take any action without first obtaining the counsel of the League, the Mandatory System would be totally unworkable. It is one thing to say that the Council of the League has the duty of supervision and right of intervention in case anything is done amiss, and quite another to say that nothing can be done without its previous approval.

(vi) The contention that the Agreement was not consistent with that sentence of Article 22 of the Covenant, which provides that the mandatory must be responsible for the administration of a territory under conditions which will secure equal opportunities for the trade and commerce of other members of the League, was dismissed on two grounds:—

(a) That there was nothing inconsistent with this principle in what had been done. A private company was owner of the phosphates, and it was free to make any arrangement it liked for the disposal of them. It was free to sell them to anybody it pleased. It has sold them to the Governments of Great Britain, Australia and New Zealand, who have acquired them with the primary object of supplying phosphate to their

agriculturists at cost price. Any private syndicate might have bought these phosphates from the company and disposed of them for its own purposes, without infringing in any way the provision about equal opportunities to the trade and commerce of the members of the League.

(b) The particular provision clearly does not apply to Nauru. To attempt so to apply it would be to run counter to the provisions of the Covenant and to upset that portion of the Peace Treaty, as it would also be to fly in the face of the distinct understanding which Article 22 was expressly provided to implement.

(vii) The Pacific Islands and South West Africa were deliberately handed over to their mandatorys with the provisions of the Article drawn in such a way as to make it clear that they would have no limitations on their sovereignty, except the particular limitation of the protection of the natives. The question would never have arisen at all under this Agreement if it had not been for the fact that among the territories which were to be handed over, under the simplest form of mandate with the fewest binding conditions, there happened to be one small island about which there was a difference between Australia and New Zealand, as to which of the two should be the mandatory. Out of that, and mainly in order to act as a mediator between Australia and New Zealand, Great Britain came into the matter as a third party, and the mandate, nominally given to the British Empire, was really intended from the first to be a mandate to these three Powers, which happened to be those portions of the British Empire which alone can be said to be contiguous to this small island, and which almost exclusively at present—nobody can say what may arise in the future—are interested in this trade. These three British States were partners in this particular mandate, and in that respect it is singular and stands alone among all the mandates conferred by the principal Allied and Associated Powers. They are partners in it, but they are partners under the conditions laid down, and deliberately laid down, not as a technicality, but as expressing the well-considered intentions of the Peace Conference with regard to all the ex-German Colonies in the Pacific and South West Africa.

The Mandate for Nauru was confirmed by the Council of the League and issued on the 17th December, 1920. It may be noted that by Article I, the mandate is conferred upon His Britannic Majesty without qualification, whereas in the case of the other "C" Mandates issued at the same time, the Mandate was conferred on "His Britannic Majesty for and on behalf of the Government of" the Dominion which was to exercise the Mandate.

At the time of the issue of the Mandate, the Japanese Government made a declaration relating to "C" Mandates, in the following terms: [*See enclosure in No. 158.*]

The Commonwealth Government appointed Brigadier-General T. Griffiths, C.M.G., C.B.E., D.S.O., as Administrator of the island for a period of five years from the 16th February, 1920. General Griffiths took over from Mr. G. B. Smith Rowse, who had been administering under the control of the High Commissioner for the Western Pacific.

The Phosphate Commissioners appointed by the three Governments are—

Mr. A. R. Dickinson, C.M.G. (United Kingdom).

Mr. H. B. Pope (Commonwealth of Australia).

Mr. A. F. Ellis (New Zealand).

and reside respectively in this country, Australia and New Zealand. Apart from the staffs in the islands (Nauru and Ocean) there is a Chief Representative of the Commissioners (Mr. A. H. Gaze), with an office in Melbourne. For reasons of convenience, the routine arrangements (including the accounts) are centralized in Melbourne.

Negotiations are in progress for the conclusion of a supplementary Agreement between the three Governments, which is intended to provide:—

(a) That all ordinances made by the Administrator shall be subject to confirmation or disallowance in the name of His Majesty.

(b) That the Administrator shall conform to such instructions as he shall from time to time receive from the Government by which he has been appointed.

(c) That copies of Ordinances, Proclamations, etc., and any information required by one of the Governments should be forwarded through the Government by which he has been appointed.

(d) That the reports for the League of Nations shall be communicated by the Administrator through the Government by which he has been appointed, to His Majesty's Government in London for presentation to the Council on behalf of the British Empire as mandatory.

Two reports have already been prepared by General Griffiths, and forwarded to the League of Nations in the manner referred to. One of these reports relates to the pre-mandate period, and the second to the period from the 17th December, 1920, to the 31st December, 1921.

(4) Position of Mandated Territories in relation to Treaties.

48490

No. 161.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th September, 1921.)

[See No. 162.]

(No. 269.)

SIR,

Governor-General's Office, Melbourne, 1st August, 1921.

I HAVE the honour, at the instance of my Acting Prime Minister, to inform you that the Commonwealth Government would be glad to be kept advised of any questions that may arise concerning the international status of territories held under mandate, and of the view taken by His Majesty's Government of those questions.

As an example, my Ministers refer to the issue of passports or equivalent documents to natives of the soil who lost their German nationality on the cession of the territories under the Treaty of Peace.

It is thought also that questions may arise concerning rights of foreigners under treaties.

My Acting Prime Minister mentions that such questions are of a novel character, and states that the Commonwealth Government will appreciate any assistance His Majesty's Government may be able to give in dealing with them.

I have, &c.,

FORSTER,

Governor-General.

52540

No. 162.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 22nd October, 1921.)

SIR,

Foreign Office, S.W.1, 21st October, 1921.

WITH reference to your letter of 6th October,* I am directed by the Marquess Curzon of Kedleston to state, for the information of the Governor-General of the Commonwealth of Australia, that the attitude of His Majesty's Government towards questions concerning the international status of territories administered under mandate is governed by Articles 22 and 127 of the Treaty of Versailles.

2. Article 127 provides that the native inhabitants of the former German overseas possessions shall be entitled to the diplomatic protection of the Governments exercising authority over the territory: the natives are, therefore, entitled to passports as British protected persons. The actual procedure is that the local Government decided in each case what persons are entitled to such passports. The procedure is set forth in full in the chapter on Passports in the revised edition of the Consular Instructions.

* 48490: not printed; it transmitted for consideration a copy of No. 161.

3. As regards the application of treaties to the mandated areas, in view of the terms of Article 22 of the Peace Treaty, a distinction must be drawn between territories administered under "B" mandates and "C" mandates. The latter are to be administered as integral parts of the territory of the mandatory, and it would appear that in these circumstances the mandatory is not only entitled, but bound, to apply to the mandated areas the treaties applicable to its own territory. As regards territories held under "B" mandates, special arrangements will be necessary in order to apply to these areas the treaties by which the contiguous territory of the mandatory is bound. The "B" mandates, however, already contain provisions under which the mandatory agrees to adhere on behalf of the territory to certain classes of general conventions.

4. Similarly the question of the rights of foreigners requires to be dealt with differently in the "B" and "C" mandate areas, the principle to be applied being the same as in the case of the application of treaties. In the "C" mandate areas foreigners would seem to be entitled to the same status, rights, and privileges as they enjoy in the mandatory's own territory. In the "B" mandate areas, subject to the general privileges and rights enjoyed by nationals of members of the League of Nations by virtue of Article 22 of the Peace Treaty and of the provisions of the mandates themselves, foreigners will only be entitled to such rights and privileges as may be conferred by treaties made applicable to the area, and by the local law.

I am, &c.,

G. H. VILLIERS.

(5) Western Samoa: Preferential Tariff.

59416

No. 163.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 164.]

(Confidential.)

MY LORD,

Downing Street, 3rd January, 1921.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a memorandum communicated by a representative of the United States Embassy in London relative to the introduction by the New Zealand Government into Western Samoa of a tariff giving preference to imports from the British Empire.

2. Article III of the Convention of 1899,* between the United Kingdom, Germany and the United States of America (of which a copy is enclosed for reference) provided that "each of the three Signatory Powers shall continue to enjoy, in respect of their commerce and commercial vessels, in all islands of the Samoan Group, privileges and conditions equal to those enjoyed by the Sovereign Power in all ports which may be open to the commerce of either of them."

3. As far as Germany is concerned this provision has been terminated by Article 288 of the Treaty of Versailles, but it would appear still to be in force as between the United States and this country and to prevent any discrimination against United States goods. The form of reference to the Convention of 1899 in Article 288 of the Treaty of Versailles would also appear to support the view that the instrument has not ceased to be operative.

* Treaty Series No. 8 of 1900.

4. I would invite your Ministers' attention to Mr. Long's despatch, Dominions, Confidential, No. 608, of the 26th October, 1918,* enclosing copies of the final report of the Treaty Revision Committee appointed in 1916 by the Secretary of State for Foreign Affairs for the purpose of considering the treaty engagements in force at the outbreak of war between the British Empire and enemy States (see, in particular, page 9, paragraph 51 of this report).

5. In the circumstances your Ministers will no doubt wish to take steps to meet the point raised by the United States Government. The maintenance of Article III of the Convention as between the United States and Great Britain may, of course, be important in relation to the treatment of British goods imported into American Samoa.

I have, &c.,
MILNER.

Enclosure 1 in No. 163.

AIDE-MEMOIRE.

As regards Western Samoa, the New Zealand Administration has proposed a tariff giving a considerable preference to imports from the British Empire. This appears to be at variance with the Convention concluded on 2nd December, 1899, between the United States, Great Britain and Germany, according to which equal commercial opportunities will be enjoyed by the Signatory Powers in the islands of the Samoan Group. This fact was pointed out by the American Consul at Apia to the Administrator of Western Samoa, who replied that he had referred the matter to the New Zealand Government, and that as soon as he received an answer from that Government he would get into communication with the Consul on this subject.

In a telegram dated July 21st, 1920, the Consul stated to the Department that the New Zealand Government declared that the Convention of 1899 is no longer in effect, but we are informed that the Department of State considers that the Convention concluded on 2nd December, 1899, between the United States, Great Britain and Germany is still in effect as far as Great Britain and the United States are concerned, and that as the Order in Council of 20th April, 1920, discriminated against American products in favour of British goods it violates Article III of this Convention.

We are asked to request that appropriate steps be taken so that no discrimination be made between American and British goods.

18th November, 1920.

Enclosure 2 in No. 163.

MEMORANDUM.

In the Order in Council of the Government Building at Wellington, New Zealand, dated 20th April, 1920, it seems to be set down in the first schedule of import duties that British goods pay duty at the rate of 15 per cent. ad valorem, and foreign goods at the rate of 22½ per cent. ad valorem, and that "British goods" means and includes goods wholly the produce of the British Dominions; wholly manufactured in the British Dominions from materials produced in the Dominions; wholly manufactured within the British Dominions, in respect of which all manufacturing processes are performed in the British Dominions from unmanufactured raw material of foreign origin, and goods partially produced or partially manufactured in the British Dominions, provided that the final process or processes of manufacture have been performed in such Dominions, and also that the expenditure in material produced in such Dominions and (or) labour performed within such Dominions (calculated subject to the qualification hereunder) in respect of each article is not less than one-fourth of the factory or works cost of such article in its finished state. "British Dominions" includes British Protectorates. "Foreign goods" means all goods other than British goods.

18th November, 1920.

* 50780; not printed; it dealt with the Report of the Treaty Revision Committee, paragraph 51 of which contained the following sentence as to the Convention of 1899: "In view of the fact that the British interests concerned were almost exclusively those of Australia and New Zealand, the Committee refrain from making any recommendation with regard to this Convention, but the fact that the United States Government were a party to Article 3 should be kept in mind."

37141

No. 164.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th July, 1921.)

(Confidential.)

SIR, Government House, Wellington, 13th June, 1921.
With reference to your predecessor's Confidential despatch of the 3rd January,* I have the honour to transmit to you the accompanying copy of a memorandum, addressed to me by Sir Francis Bell, my Acting Prime Minister, expressing the views of the Government of New Zealand relative to the introduction by the New Zealand Government in Western Samoa of a tariff giving preference to imports from the British Empire.

I have, &c.,
JELLICOE,
Governor-General.

Enclosure in No. 164.

DOMINION OF NEW ZEALAND.

Prime Minister's Office, Wellington, 4th June, 1921.

MEMORANDUM FOR:

HIS EXCELLENCY THE GOVERNOR-GENERAL,

SIR FRANCIS BELL, for the Prime Minister, presents his respectful compliments to His Excellency the Governor-General and with respect to the Confidential despatch from the Secretary of State for the Colonies, dated 3rd January, 1921, forwarding copy of a memorandum communicated by the United States Embassy in London relative to the introduction by the New Zealand Government in Western Samoa of a tariff giving preference to imports from the British Empire, begs to recommend that the following reply be transmitted to the Secretary of State for the Colonies:—

1. The New Zealand Government most respectfully but emphatically submits that it was within its legal rights in establishing a preferential tariff in Western Samoa in view of the fact that the Mandate received by New Zealand from the League of Nations contains no restriction on the right of the New Zealand Government to make such provisions as it thinks fit with respect to the Customs Duties of Samoa. As a matter of fact the contention that the "C" type of Mandate, under which Western Samoa and the other ex-German possessions in the Pacific Ocean are administered, does make provision for equal opportunities for the trade and commerce of all members of the Allied and Associated Powers, was strongly urged by the Representatives of Japan at the meeting of the Council of the League of Nations at Geneva on the 17th December, 1920, but was withdrawn, subject to the reservation set forth in the secret despatch from the Secretary of State for the Colonies, dated 23rd February, 1921.† The Council of the League thereupon issued a Mandate to the Dominion of New Zealand to administer Western Samoa under the laws of New Zealand "as an integral portion of its territory," and as an incident of such administration the New Zealand Government has imposed a Preferential Tariff, as it has already done in other parts of its territory.

2. The New Zealand Government, as Mandatory for Western Samoa, has to render to the Council of the League of Nations an annual account of its stewardship and a permanent Commission has to examine all such reports and advise the Council on all matters relating to the observance of the Mandate. If, as now suggested by the United States of America, the New Zealand Government is not properly observing the terms of the Mandate over Western Samoa in imposing a Preferential Tariff, the proper course is for the United States Government to complain formally to the Council of the League of Nations, who will doubtless deal with the matter on its merits.

* No. 163.

† No. 158.

3. The New Zealand Government is unable to accept the view that Article III of the Convention of 1899 between the United Kingdom, Germany and the United States of America is still in force as between the United States and New Zealand as the Mandatory for Western Samoa. In paragraph 4 of his despatch the Secretary of State for the Colonies draws attention to paragraph 51 of the final Report of the Treaty Revision Committee appointed in 1916 by the Secretary of State for Foreign Affairs for the purpose of considering the treaty engagements in force at the outbreak of war between the British Empire and enemy States. In paragraph 2 of that Report, however, the Committee clearly recommends that "multilateral treaties where all the parties are belligerents" (e.g., the Samoa Convention, 1899) "should be regarded as terminated by the War and as requiring revival by the Treaty of Peace if they are to remain in force after the conclusion of peace." The New Zealand Government submits that Article 288 does not profess to "revive" the Samoa Convention of 1899; and, in any case, the United States, although signatories of the Covenant of the League of Nations and of the Treaty of Peace, refused to ratify either of these international documents.

4. The New Zealand Government does not regard the maintenance of Article III of the Convention of 1899 as between the United States and Great Britain as of any importance in relation to the treatment of British goods imported into American Samoa for the reason that the quantity of such goods imported into American Samoa has always been and is negligible.

5. In conclusion the New Zealand Government trusts that its decision in this matter will not embarrass the Imperial Government in its relations with the United States. If that point arises, the New Zealand Government will be glad to have a frank statement of the views of the Imperial Government and will reconsider the whole subject if asked to do so on that ground.

F. H. D. BELL,
for the Prime Minister.

42779

No. 165.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25th August, 1921.)

SIR, Foreign Office, S.W.1, 24th August, 1921.
I AM directed by the Marquess Curzon of Kedleston to acknowledge the receipt of your letter of the 9th instant,* relative to the introduction of a tariff into Western Samoa giving preference to imports from the British Empire.

2. It will be within the knowledge of Mr. Secretary Churchill that the general question of the attitude of the United States Government towards Mandates is now under discussion, and it is hoped that a declaration of their policy may be obtained shortly. Lord Curzon therefore considers it advisable for the present and until such statement has been received, to return no reply to the representations made by the United States Government with regard to Samoa. As soon as it has been found possible to clear up the situation arising from the general attitude of the United States towards Mandates, the discussion with regard to Samoa could be resumed.

I am, &c.,
H. J. SEYMOUR.

45918

No. 166.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th September, 1921.)

SIR, Foreign Office, S.W.1, 12th September, 1921.
I AM directed by the Marquess Curzon of Kedleston to refer to my letter of the 24th ultimo,† relative to the introduction of a tariff into Western Samoa giving preference to imports from the British Empire.

* 37141: not printed; it transmitted, for observations, a copy of No. 164. † No. 165.

2. As Mr. Secretary Churchill is aware, this is one of the points dealt with in the memorandum from the United States Embassy on the general question of Mandates. A further copy of this memorandum* is enclosed for convenience of reference.

3. It appears to Lord Curzon that the question of Samoa is a somewhat difficult one, inasmuch as two parts of the Versailles Treaty are to a considerable extent contradictory. Article XXII, creating what are known as C Mandates, lays down that such territories should be regarded as and administered as integral portions of the territory of the mandatory.

4. The Pacific Islands, including Samoa, are specifically referred to. On the other hand, it appears that Section 2 of Part 10 of the Treaty, while abrogating generally bilateral Treaties with Germany, does not *ipso facto* terminate the rights secured to the Allied and Associated Powers by multilateral Treaties to which Germany was a party, although by Article 282 such Treaties generally no longer apply to Germany. The wording also of Article 288 seems to imply that the Convention of 1899 is still alive except as regards German rights. It is therefore, in Lord Curzon's opinion, very doubtful whether it would prove possible seriously to maintain that the rights of the United States under the Treaty of 1899 could be regarded as extinguished by Article XXII of the Treaty of Versailles. This is, no doubt, a point of view which is arguable, but with every desire to make out the best possible case in the interests of the New Zealand Government Lord Curzon has regretfully come to the conclusion that the American contention is sounder than that advanced by the authorities in New Zealand, and that there are, in consequence, insufficient legal grounds to justify a policy of resistance to the American standpoint.

5. I am to state that His Lordship would be glad to receive any further observations which Mr. Secretary Churchill may wish to offer in this connexion.

I am, &c.,
H. J. SEYMOUR.

(6) South-West Africa: Withdrawal of Martial Law.

4012

No. 167.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th January, 1921.)

(No. 8.)

MY LORD, Governor-General's Office, Pretoria, 5th January, 1921.

I HAVE the honour to transmit to Your Lordship the accompanying copies of *Union Government Gazette Extraordinary*, dated the 2nd January, 1921, containing a Proclamation issued by me, on the advice of my Ministers, under the provisions of the Treaty of Peace and South-West Africa Mandate Act of 1919.

2. This Proclamation ratifies all Proclamations issued in the South-West Africa Territory by the General Officer Commanding-in-Chief or any other General Officer of the Military Forces of the Union in the Field, by the Military Governor, and by the Administrator, including a Proclamation of Indemnity and withdrawal of Martial Law issued by the Administrator on the 1st January, 1921, as also any regulations made or issued under any such Proclamation. A copy of the Administrator's Proclamation withdrawing Martial Law and indemnifying the Civil and Military Officers will be forwarded later.

It also delegates to the Administrator of the Territory the authority conferred in paragraphs (a) and (b) of section 2 of the Act to repeal, alter, amend, or modify any laws in force within the Territory, including such Proclamations and Regulations as have been promulgated during the military occupation, and to make new laws applicable to the Territory, subject to such instructions as may be issued for his guidance.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

* Enclosure 1 in No. 159.

Enclosure in No. 167.

PROCLAMATION.

BY MAJOR-GENERAL HIS ROYAL HIGHNESS PRINCE ARTHUR FREDERICK PATRICK ALBERT OF CONNAUGHT, KNIGHT OF THE MOST NOBLE ORDER OF THE GARTER, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT OF THE MOST ANCIENT AND MOST NOBLE ORDER OF THE THISTLE, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, KNIGHT GRAND CROSS OF THE ROYAL VICTORIAN ORDER, COMPANION OF THE MOST HONOURABLE ORDER OF THE BATH, PERSONAL AIDE-DE-CAMP TO HIS MAJESTY THE KING, HIGH COMMISSIONER FOR SOUTH AFRICA, AND GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

(No. 1, 1921.)

WHEREAS during the War between Germany and the British Empire the German Territory of South-West Africa was fully and effectively occupied by the Military Forces of the Union of South Africa and has remained in such occupation till the date of the withdrawal of Martial Law therein;

And whereas during the period when such military occupation was taking place and after its completion it became necessary to take steps in the said Territory for the prevention and suppression of any further or other hostilities against the said Military Forces and for the maintenance of good order and government and for public safety within the said Territory;

And whereas such steps were taken from time to time by the General Officer Commanding-in-Chief and other General Officers of the Military Forces of the Union in the field, by the Military Governor and by the Administrator of the said Territory by the issue in the said Territory of various proclamations and regulations thereunder;

And whereas no form of government has existed in the said Territory since the ninth day of July, 1915, save that exercised under Martial Law by the Military Governor and in succession to him by the Administrator of the said Territory;

And whereas by the Treaty of Peace between Germany and the Principal Allied and Associated Powers (of which the Union of South Africa as a unit of the British Empire is one) Germany renounced all her rights and titles in the said Territory in favour of those Allied and Associated Powers;

And whereas those Allied and Associated Powers resolved to place the administration of the said Territory under the Government of the Union of South Africa as Mandatory for the purpose of administering the said Territory as an integral part of the said Union and thereby the Government of the Union of South Africa became the holder of the Mandate for the said Territory in pursuance of the said Treaty;

And whereas by an Act of the Parliament of the Union of South Africa passed subsequently to the said Treaty and entitled the Treaty of Peace and South-West Africa Mandate Act, 1919, power was conferred upon the Governor-General of the Union of South Africa to issue proclamations and to do such things as appear to him to be necessary for giving effect to any Mandate issued in pursuance of the said Treaty with reference to the said Territory;

And whereas it has become desirable in the interests of the good government of the Territory to withdraw Martial Law in the said Territory;

And whereas the Administrator of the Territory has accordingly issued a Proclamation at Windhuk bearing the date the first day of January, 1921, withdrawing Martial Law in the said Territory and indemnifying the Civil and Military Officers who administered it in respect of all acts, matters, and things in good faith advised, commanded, ordered, directed, or done while Martial Law was in force in the said Territory, which Territory has heretofore been known during the existence of Martial Law as "the Protectorate of South-West Africa in military occupation of the Union Forces";

Now, therefore, I do hereby proclaim, declare, and make known that under and by virtue of the powers and authority in me vested by section *one* of the said Treaty of Peace and South-West Africa Mandate Act, 1919;

All Proclamations issued in the said Territory by the General Officer Commanding-in-Chief or any other General Officer of the Military Forces of the Union in the field, by the Military Governor, and by the Administrator, including the said

proclamation of indemnity and withdrawal of Martial Law, as also any regulations made or issued under any such proclamation shall be and are hereby ratified;

And I do further proclaim, declare, and make known that under and by virtue of the powers and authority in me vested by paragraph (c) of section *two* of the said Act I do hereby delegate to the Administrator of the said Territory the authority conferred in paragraphs (a) and (b) of the said section to repeal, alter, amend, or modify any laws in force within the said Territory including such Proclamations and regulations as have been promulgated during the military occupation thereof and to make new laws applicable to the said Territory, the said Administrator acting in this behalf subject always to such instructions as may from time to time be issued for his guidance by proper authority.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Johannesburg on this the Second day of January, 1921.

ARTHUR FREDERICK,
Governor-General.

By Command of His Royal Highness the
Governor-General-in-Council.

J. C. SMUTS.

9655

No. 168.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1st March, 1921.)

(No. 59.)

My LORD, Governor-General's Office, Pretoria, 8th February, 1921.

WITH reference to my despatch No. 8, of the 5th January,* I have the honour to transmit to Your Lordship a copy of the Proclamation issued by the Administrator of South West Africa withdrawing Martial Law and indemnifying the Civil and Military Officers.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 168.

PROCLAMATION.

BY HIS HONOUR GILSBERT REITZ HOFMEYER, A COMPANION OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, ADMINISTRATOR OF THE PROTECTORATE OF SOUTH-WEST AFRICA IN MILITARY OCCUPATION OF THE UNION FORCES.

(No. 76 of 1920.)

WHEREAS during the War between Germany and the British Empire the German territory of South-West Africa was fully and effectively occupied by the military forces of the Union of South Africa;

And whereas during the period when such military occupation was taking place and after the completion thereof it became necessary to take steps in the said territory for the prevention and suppression of any further or other hostilities against the said military forces and for the maintenance of good order and government and for public safety within the said territory;

And whereas such steps were taken from time to time by the General Officer Commanding-in-Chief and other General Officers of the Military Forces of the Union in the Field, by the Military Governor and by the Administrator of the Protectorate by the issue in the said territory of various proclamations and regulations;

And whereas it is desirable to withdraw Martial Law in the said territory and to indemnify the civil and military officers who administered it, in respect of acts,

matters and things in good faith advised, commanded, ordered, directed or done while Martial Law was in force in the said territory, which territory is hereinafter referred to as the Protectorate:

Now therefore under and by virtue of the powers and authority in me vested I do hereby proclaim, declare and make known as follows:—

1. (1) From and after the first day of January, 1921, Martial Law shall be and is hereby withdrawn from every part of this Protectorate and all regulations and notices issued under the authority of Martial Law shall become *ipso facto* of no force or effect.
- (2) Nothing contained in sub-section (1) hereof shall affect the validity of any proclamation issued by the General Officer Commanding-in-Chief or any other General Officer of the Military Forces of the Union in the Field, by the Military Governor or by the Administrator during the period when such military occupation of the Protectorate by the forces of the Union of South Africa was taking place and after the completion thereof or any regulations made or issued under any such Proclamation and all such Proclamations and regulations aforesaid as are in force in the Protectorate at the date of the taking effect hereof shall continue to have full force and effect until repealed, altered, amended or modified under the powers conferred by Section 2 of the Treaty of Peace and South West Africa Mandate Act 1919 of the Parliament of the Union of South Africa.
2. No action, indictment or any other legal proceeding whatsoever shall be brought or instituted in any court of law of the Protectorate against:—
 - (a) the Military Governor or the Administrator of the Protectorate, or
 - (b) any General or other Officer Commanding any part of any military force which has, when such military occupation was taking place and after the completion thereof, been operating or quartered in the Protectorate, or any officer of the Defence Forces of the Union; or
 - (c) any officer or servant of the Railway Administration; or
 - (d) any person employed in any capacity whatever, whether civil or military, acting under or by the direction or with the approval of the Military Governor, Administrator or any such General or other Officer aforesaid, for or on account or in respect of any acts, matters and things whatsoever in good faith advised, commanded, ordered directed or done when such military occupation was taking place and after the completion thereof for the prevention or suppression of any further hostilities against the said military forces and for the maintenance of good order and government and for public safety within the Protectorate and for the removal from the Protectorate of enemy subjects, between the date of the commencement of a state of war between His Majesty's Government and the German Empire and the date of the taking effect thereof, and any such action indictment or other legal proceeding whatsoever which may have been instituted prior to the promulgation of this proclamation shall be discharged and shall become and be made void.
- (3) Every such person aforesaid by whom any such act, matter or thing has been advised, commanded, ordered, directed or done for the purposes aforesaid shall be freed, acquitted discharged, released and indemnified in respect thereof against all and every person and persons whatsoever.
4. Every such act, matter or thing referred to in the preceding sections shall be presumed to have been advised, commanded, ordered, directed or done (as the case may be) in good faith until the contrary is alleged and proved by the party complaining.
5. Every sentence pronounced by the Special Criminal Court or by a military Magistrate's Court established in the Protectorate during the period of military occupation thereof upon any person tried by any such Court for an offence against the law of the Protectorate or for a contravention of any Proclamation or regulation issued under Martial Law as well as any sentence pronounced by any military tribunal of the Union Defence Force when such military occupation was taking place or after the completion thereof for any such offence or contravention or for any act or omission whatsoever, is hereby confirmed, and any such persons confined in any prison, gaol, lock-up or other place of confinement in the Protectorate under and by virtue of any such sentence shall continue to be liable to be confined therein or elsewhere as the Administrator may direct, until the expiration of the sentences respectively passed upon such persons or until their discharge by lawful authority. Every such sentence shall be deemed to be a sentence passed by a duly and legally

constituted Court of the Protectorate and shall be carried out or otherwise dealt with in the same manner as the sentences of duly constituted courts of law in the Protectorate.

6. (1) Every person who has been in good faith and under the authority of a person described in section two arrested or committed to or detained in any prison, gaol, lock-up or other place of detention on suspicion that he had committed or was intending to commit an offence against the law of the Protectorate or against any Proclamation or regulation issued under Martial Law when such military occupation was taking place or after the completion thereof, shall be deemed to have been lawfully arrested, committed or detained, in the same manner and to the same extent as if he had been arrested, committed or detained on a warrant issued by a person authorized by law to issue warrants of arrest, committal or detention;

(2) Every recognizance taken when such military occupation was taking place or after the completion thereof upon which a person accused of any such offence aforesaid had been admitted to bail shall be and is hereby declared to be of full force and effect.

7. The acquisition and possession of all lands, servitudes, rights to land or water rights which have been taken, expropriated or otherwise acquired by the Railway Administration or by the military authorities in the Protectorate for the purposes of Railways or Harbours and subsidiary undertakings or for other public purposes when such military occupation was taking place or after the completion thereof and before the promulgation of this Proclamation shall be valid and shall be binding on all persons concerned.

8. This Proclamation shall be known and may be cited for all purposes as the "Indemnity and Withdrawal of Martial Law Proclamation 1920."

God Save the King.

Given under my hand at Windhoek this 31st day of December, 1920.

GUS R. HOFMEYR,
Administrator.

MONTENEGRO.

Commercial Treaty, 1910.

(Treaty Series 1910, No. 19.)

35479

No. 169.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.	} Dominions, No. 301.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[My Lord.] [Sir,]

Downing Street, 27th July, 1921.

With reference to the Marquess of Crewe's despatch No. [568.] [287.] [167.] [134.] [135.] of the 30th July, 1910,* I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that in consequence of the union of the Kingdom of Montenegro with the Kingdom of the Serbs, Croats, and Slovenes, the Commercial Treaty with Montenegro of the 11th January, 1910, is considered to be no longer in force, although no definite arrangement has been made to this effect.

I have, &c.,
WINSTON S. CHURCHILL.

* 22621/10 not printed. This forwarded copy of the Convention (Treaty Series, 1910, No. 19).

MUSCAT.

Anglo-Muscat Treaty, 1891.

(Treaty Series 1892, No. 9.)

33841

No. 170.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 17th August, 1921.

I AM directed by Mr. Secretary Churchill to request you to inform the Marquess Curzon of Kedleston that his attention has been called to the note renewing the Anglo-Muscat Treaty of 1891, for one year from the 11th February, 1920.

2. It will be remembered that the position of the self-governing Dominions in relation to this Treaty has been the subject of several discussions during recent years.

3. As long ago as 1908, a despatch* was received from the Governor-General of the Commonwealth of Australia asking that notice might be given of the termination of this Treaty (amongst others) in respect of Australia. In view of the fact that the Treaty of 1891, whilst providing for the adherence of the Dominions, made no similar provision for withdrawal, a reply† was sent to the Governor-General, with the concurrence of the Secretary of State for Foreign Affairs, indicating that the matter was one of some difficulty, and that a special Convention would require to be made. The correspondence referred to will be found in the letters from this Department of the 3rd June, and the 1st July, 1908,‡ and the letter from the Foreign Office of the 19th June, 1908.§

4. In a letter from the Foreign Office of the 13th September, 1909,|| it was stated that the desirability of entering into an agreement to allow withdrawal of the Oversea Dominions in respect of this Treaty was being considered, such an agreement having already been made in the similar case of the Treaty with Paraguay. The substance of this letter was communicated to the Governor-General of Australia in Lord Crewe's despatch of the 8th October, 1909.¶

5. Negotiations were subsequently entered into with regard to the Austro-Hungarian, Italian, and Mexican Treaties (see Foreign Office letter of the 11th November, 1909,** and the letter from this Department of the 24th November, 1909††), and the Governor-General was informed on 3rd December, 1909,‡‡ that Sir E. Grey proposed to await replies with regard to these Treaties before making any communication to Muscat.

6. The matter then remained in abeyance until 1911, when it was taken up again in connexion with the general arrangements, resulting from the Imperial Conference of 1911, for enabling the self-governing Dominions to withdraw from Commercial Treaties. It was, however, settled to leave out Muscat from the arrangements then initiated on the ground that it was doubtful whether the Anglo-Muscat Treaty of 1891 affected the liberty of the Dominions as regards Customs duties, and that the Treaty might be terminated at an early date.

7. The question of the Treaty, as far as it affected Canada, was raised in connexion with the Canadian Order in Council of the 16th December, 1913, respecting coasting trade. It is mentioned in the memorandum on the inclusion of Coasting Trade in Commercial Treaties, enclosed in Foreign Office letter of the 23rd July, 1914;§§ and in the despatch to the Governor-General of Canada of the 7th October, 1914,||| in the terms of which Sir E. Grey concurred (see Foreign Office letter of the 30th September ¶¶), it was stated that His Majesty's Government were of the opinion that Muscat was entitled to participate in the Canadian coastal trade on the most-favoured-nation footing.

8. In view of the above facts, it is clear that the continued existence of the 1891 Treaty is not a matter of indifference to the Dominions, and, in the circumstances, Mr. Churchill does not consider that the Treaty should be further renewed

* No. 96 in Dominions No. 5. † No. 102 in Dominions No. 5. ‡ No. 97 in Dominions No. 5; and 22165 L.F., enclosing copy of No. 102 in Dominions No. 5. § No. 101 in Dominions No. 5. || No. 37 in Dominions No. 11. ¶ No. 41 in Dominions No. 11. ** No. 47 in Dominions No. 11. †† No. 49 in Dominions No. 11. ‡‡ No. 51 in Dominions No. 11. §§ No. 102 in Dominions No. 51. ||| No. 167 in Dominions No. 51. ¶¶ No. 106 in Dominions No. 51.

without the insertion of a clause giving to the Dominions separate liberty of withdrawal.

9. I am to request that, if Lord Curzon agrees to this course, he will cause such a clause to be prepared in draft and communicated to this Office.

10. A copy of this letter is being sent to the Board of Trade.

I am, &c.,

HENRY LAMBERT.

58567

No. 171.

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 3rd December, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 24th November* forwarding copy of a letter to the Foreign Office regarding the renewal of the Anglo-Muscat Treaty of 1891.

2. Mr. Churchill notes that Mr. Montagu sees no objection to the insertion, in any agreement prolonging the Treaty of 1891, of a clause drafted to meet the views expressed in the letter from this Office to the Foreign Office of the 17th August last.†

3. I am to observe, however, that in the event of negotiations proceeding as to the revised draft prepared in 1905, the wording of Article XXI will require revision, and I am to suggest, for Mr. Secretary Montagu's consideration, that it should be worded as follows:—

"The stipulations of the Present Treaty shall not be applicable to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates beyond the Seas unless, within any time before the expiration of two years from the date of exchange of ratifications, notice is given by His Majesty's Representative at of the desire of the Government of such self-governing Dominion, Colony, Possession or Protectorate that the said stipulations shall be so applicable.

"Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions and Protectorates shall enjoy in Muscat complete and unconditional most-favoured-nation treatment, so long as such Dominion, Colony, Possession or Protectorate shall accord to goods the produce or manufacture of Muscat treatment as favourable as it gives to the produce or manufacture of any foreign country.

"As regards the British self-governing Dominions, Colonies, Possessions, and Protectorates to which the stipulations of the present Treaty shall have been made applicable under this Article, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect."

3. A copy of this letter is being sent to the Foreign Office, and the Board of Trade.

I am, &c.,

C. T. DAVIS.

* 58567: not printed. The letter intimated (a) that the 1891 Treaty had been renewed until February, 1922; (b) that a new draft Treaty had been drawn up in 1905 for discussion with the Sultan of Muscat, containing a clause as to accession to, and termination of, the Treaty as regards the Oversea Dominions.

† No. 170.

PEACE COMMISSION TREATIES.

Bolivia, Brazil (a), Chile (b) and Peru.

((a) *Treaty Series*, 1921, No. 8; (b) *Treaty Series*, 1921, No. 3.)

21420

No. 172.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd May, 1921.)

(No. 232.)

SIR,

Ottawa, 13th April, 1921.

WITH reference to Lord Milner's despatch Dominions No. 752, of the 21st December, 1920,* regarding the Treaty with Chile for the establishment of a Peace Commission, I have the honour to inform you that the Minister of Justice is satisfied with the proposed appointments of Senor Mannel A. Montes de Oca and the Marques de Lema as British non-national member and as fifth member of the Commission, respectively, and that the Government of Canada has under consideration the name of the person whom they would desire to represent them under paragraph 2 of Article 3 of the Treaty, should occasion arise.

I have, &c.,

L. H. DAVIES,

Deputy Governor-General.

27813

No. 173.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions. No. 228.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 10th June, 1921.

WITH reference to my predecessor's despatch, Dominions No. 245, of the 15th June, 1920,† I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, a copy of a despatch to His Majesty's Minister at Santiago relative to the Treaty between the United Kingdom and Chile for the establishment of a Peace Commission.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 173.

(No. 58.)

SIR,

Foreign Office, S.W.1, 1st June, 1921.

You will be aware that Sir Maurice de Bunsen, in the course of his visit to Chile on the occasion of his mission to the Latin American countries, took up the question of concluding a Peace Commission Treaty between this country and Chile, and that negotiations have since been proceeding on this matter, without, however, the actual composition of the Commission having been determined within the time that had been prescribed.

2. Meanwhile, both Chile and this country have subscribed to the Covenant of the League of Nations, which contains stipulations equally comprehensive with those of the Treaty for the settling of any differences which may arise between the two countries.

* 26972: reminder. not printed.

† No. 320 in Dominions No. 75.

3. In these circumstances, His Majesty's Government are inclined to consider that there is now no object in proceeding further with the Treaty, and I should be glad if you would so inform the Chilean Government and ask if they concur.

I am, &c.,

(For the Secretary of State),

R. SPERLING.

J. C. T. Vaughan, Esq., C.M.G., M.V.O.,
&c., &c., &c.

50753

No. 174.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 175, 176, 177 and 178.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 430.)

[MY LORD,] [SIR,]

Downing Street, 24th October, 1921.

WITH reference to my despatch Dominions No. 228, of the 10th June,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, a copy of a despatch from His Majesty's Minister at Santiago relative to the Treaty between the United Kingdom and Chile for the establishment of a Peace Commission.

2. As your Ministers will also be aware, negotiations for the conclusion of Peace Commission Treaties on precisely similar lines to that with Chile have been proceeding with the Peruvian and Bolivian Governments. In the former case the Treaty, of which copies were enclosed in my predecessor's despatch Dominions No. 880, of the 22nd December, 1919,† has reached the stage where nothing further is required except the exchange of ratifications. In the case of Bolivia the negotiations, to which reference was made in my predecessor's telegram of the 13th August, 1919,‡ have been in abeyance for some time.

3. As both Peru and Bolivia are members of the League of Nations, His Majesty's Government are of opinion that the conclusion of Peace Commission Treaties with these countries is, as in the case of Chile, unnecessary, and it would seem undesirable to complicate the procedure for the adjustment of any difficulties which may arise by the conclusion of agreements which are not called for under present conditions.

4. It is therefore proposed that an exchange of notes should be effected with the Chilean Government for the cancellation of the Treaty between this country and Chile. It is also proposed to instruct His Majesty's Minister at Lima to withhold the ratification of the Peruvian Treaty and to explain to the Peruvian Government that His Majesty's Government do not consider that these treaties are now necessary. In the event of the Bolivian Government returning to the question of the proposed treaty with them, a similar explanation would be given by His Majesty's Minister at La Paz.

5. A similar Treaty, of which copies were enclosed in my despatch Dominions No. 217, of the 27th May,§ exists between His Majesty's Government and Brazil, but the scope of this instrument is somewhat wider, as it provides (Article IV) that, in the event of non-agreement in a case, after reference to the Peace Commission, the point in dispute shall come under the existing arbitration agreement with Brazil. It is proposed that this Treaty should be allowed to stand.

6. I should be glad to be informed by telegraph whether your Ministers are in agreement with the course of action suggested above.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 173.

† No. 316 in Dominions No. 75.

‡ No. 310 in Dominions No. 75.

§ 24730: not printed; it enclosed a copy of Treaty Series No. 8 of 1921.

Enclosure in No. 174.

(No. 214.)

My Lord, British Legation, Santiago, 4th August, 1921.
With reference to Your Lordship's despatch No. 5, of 1st June last,* respecting the Peace Commission Treaty between Great Britain and Chile, I have the honour to inform Your Lordship that I approached the Chilean Government in the sense indicated in Your Lordship's despatch.

I have now received a reply from the Chilean Government, translation of which is enclosed herewith, stating that they concur in the view of His Majesty's Government in this matter, and are prepared to give formal effect to the arrangement in question by a further exchange of notes with this Legation, if such a course is considered necessary.

I should, therefore, be glad to receive instructions as to whether Your Lordship considers such a further exchange necessary or that the acceptance of the proposal of His Majesty's Government by the Chilean Government in their present note is sufficient.

I have, &c.,
J. C. T. VAUGHAN.

The Right Honourable
The Earl Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E.,
&c., &c., &c.

(Translation.)

NOTE FROM THE CHILIAN GOVERNMENT IN REGARD TO THE PEACE COMMISSION TREATY
BETWEEN GREAT BRITAIN AND CHILE.

(No. 1263.)

SENOR MINISTRO, Santiago, 3rd August, 1921.
I HAVE the honour to acknowledge the receipt of the note, dated 15th July, in which Your Excellency informs me that, having regard to the fact that Chile and Great Britain have adhered to the Covenant of the League of Nations the dispositions of which render unnecessary those of the Treaty dealing with the establishment of a Peace Commission which was signed between our respective countries on 28th March, 1919, Your Excellency's Government considers the maintenance of the said Chilean-British agreement to be unnecessary.

Your Excellency is also good enough to inform me that you have been instructed to obtain the views of my Government in this matter.

In reply, I have pleasure in informing Your Excellency that my Government concurs in the views expressed by Your Excellency, and is disposed at once to put an end, by common agreement, to the operation of the said Treaty.

This Ministry could give formal effect to such an arrangement by a new exchange of notes with your Legation if Your Excellency considers it necessary.

I avail, &c.,
JORGE MATTE.

61795

No. 175.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.0 a.m., 12th December, 1921.)

TELEGRAM.

12TH DECEMBER. Your despatch 24th October, No. 430,† Peace Commission Treaties with Chile, Peru, Bolivia, and Brazil. Ministers concur in proposed course of action.—ARTHUR FREDERICK.

* Enclosure in No. 173. † No. 174.

63168

No. 176.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.10 p.m., 20th December, 1921.)

TELEGRAM.

20TH DECEMBER. Your despatch 24th October, Dominions No. 430,* Treaties with Chili, Peru, and Bolivia for establishment of Peace Commissions. Minute of Council approved 17th December, stating that Government of Canada sees no objection to course suggested in your despatch. Despatch† follows by mail.—BYNG.

63519

No. 177.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.53 p.m., 23rd December, 1921.)

TELEGRAM.

23RD DECEMBER. Your despatch 24th October, Dominions No. 430,* Peace Commission Treaties. Government Commonwealth of Australia concur in course of action suggested.—GOVERNOR-GENERAL.

63819

No. 178.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.2 a.m., 24th December, 1921.)

TELEGRAM.

24TH DECEMBER. My Government agree to course of action proposed in your despatch 24th October, Dominions No. 430,* Peace Commission Treaties.—JELlicoe.

PERMANENT COURT OF INTERNATIONAL JUSTICE AND COURT
OF ARBITRATION AT THE HAGUE.

(League of Nations Treaty Series, Vol. VI., No. 170.)

2323

No. 179.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 27.)

SIR,

Downing Street, 7th February, 1921.

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of a letter‡ which the Prime Minister has received from the Secretary-General of the League of Nations, relative to the Statute of the Permanent Court of International Justice which has been drawn up in accordance with Article XIV of the Covenant of the League of Nations.

I have, &c.,

MILNER.

* No. 174. † 364: not printed; it confirmed the telegram. ‡ Dated 14th December, 1920: No. 26/31/92; it enclosed copies of the Resolution of the Assembly of the 19th December, 1920 (see No. 184, Schedule A), approving the statute of the Court and the text of the Protocol of Signature as approved by the Council (see No. 184, Schedule B).

8956

No. 180.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1 a.m., 24th February, 1921.)

TELEGRAM.

[Answered by No. 181.]

23RD FEBRUARY. Government of Canada proposes to sign Protocol at Geneva drawn up in connexion with Statute of Permanent Court of International Justice, and to say that it would be glad to know as soon as possible whether His Majesty's Government in authorizing signing on behalf of United Kingdom propose to issue full powers representative who will sign, or whether his credentials will take some less formal shape.—DEVONSHIRE.

10403

No. 181.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.0 p.m., 8th March, 1921.)

TELEGRAM.

8TH MARCH. Your telegram 23rd February,* Statute Permanent Court of International Justice. Balfour signed Protocol on behalf of United Kingdom before leaving Geneva. He did not hold full powers from His Majesty the King for the purpose. Suggested that in the circumstances representative of Canada who will sign should be provided by the Canadian Government with an authority to sign in such form as Ministers may consider appropriate. Balfour did not sign optional clause appended to Protocol.—SECRETARY OF STATE FOR THE COLONIES.

14047

No. 182.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.28 a.m., 23rd March, 1921.)

TELEGRAM.

[Answered by No. 203.]

22ND MARCH. Ministers have received from Secretary-General League of Nations certified copies of Protocol of Signature relating to Statute of Permanent Court of International Justice. They ask that His Majesty the King may be pleased to ratify this Protocol on behalf of Union.—ARTHUR FREDERICK.

11649

No. 183.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.55 p.m., 8th April, 1921.)

TELEGRAM.

[Answered by No. 192.]

HIS MAJESTY'S GOVERNMENT would be glad to learn views of Commonwealth Government as regards signature and ratification of Protocol drawn up in connexion with Statute Permanent Court International Justice.

* No. 180.

Protocol, but not optional clause appended, has been signed by Balfour for British Empire; Allen, for New Zealand; and Blankenburg, for South Africa: see League Nations paper 21/31/6; and understood that Canadian Government also propose to appoint representative to sign Protocol.

Canadian Government recently informed, in reply to inquiry, that Balfour did not hold full powers from His Majesty for purpose of signing Protocol, and that it only seemed necessary for Canadian representative to be given authority for signing in such form as Ministers thought fit. Same procedure would apply in case of Australia.

So far as United Kingdom is concerned, His Majesty's Government have decided on ratification of Protocol, and propose to adopt course of ratification by His Majesty.

Request already received for ratification by His Majesty on behalf of Union of South Africa.—SECRETARY OF STATE FOR THE COLONIES.

17633

No. 184.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th April, 1921.)

[Answered by No. 186.]

(No. 197.)

SIR,

Government House, Ottawa, 31st March, 1921.

I HAVE the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada authorizing Mr. Philippe Roy, Commissioner-General for Canada at Paris, to sign, on behalf of Canada, the Protocol adjoined to the Statute of the Permanent Court of International Justice.

I have, &c.,

L. H. DAVIES,

Deputy Governor-General.

Enclosure in No. 184.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 21ST MARCH, 1921.

(P.C. 872.)

THE Committee of the Privy Council have had before them a report, dated 14th March, 1921, from the Secretary of State for External Affairs, submitting that the First Assembly of the League of Nations, at Geneva, Switzerland, adopted on 13th December, 1920, a resolution (a copy of which is herewith submitted as Schedule A) approving a draft Statute for the establishment of a Permanent Court of International Justice for submission to the Members of the League by the Council of the League in pursuance of Article XIV of the Covenant of the League.

The Minister observes that in accordance with the resolution a Protocol dated 16th December, 1920 (a copy of which is herewith submitted as Schedule B) was drawn up, as an adjunct to the Statute, for signature subject to ratification, by the Members of the League; the procedure for adoption of the Statute being thus assimilated in form and effect to the customary international practice with regard to the conclusion and ratification of Treaties. The Protocol remains open for signature at Geneva.

The Minister, being of the opinion that under these conditions it is expedient that the Protocol be signed on behalf of Canada as a Member of the League, recommends that the Honourable Philippe Roy, Commissioner-General for Canada at Paris, be authorized to sign the Protocol on behalf of Canada.

The Committee concur in the foregoing recommendation, and submit the same for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

SCHEDULE A.

Resolution concerning the establishment of a Permanent Court of International Justice passed by the Assembly of the League of Nations, Geneva, 13th December, 1920.

1. The Assembly unanimously declares its approval of the draft Statute of the Permanent Court of International Justice as amended by the Assembly—which was prepared by the Council under Article XIV of the Covenant submitted to the Assembly for its approval.

2. In view of the special wording of Article XIV, the Statute of the Court shall be submitted within the shortest possible time to the Members of the League of Nations for adoption in the form of a Protocol duly ratified and declaring their recognition of this Statute. It shall be the duty of the Council to submit the Statute to the Members.

3. As soon as this Protocol has been ratified by the majority of the Members of the League, the Statute of the Court shall come into force and the Court shall be called upon to sit in conformity with the said Statute in all disputes between the Members or States which have ratified, as well as between the other States, to which the Court is open under Article XXXV, paragraph 2, of the said Statute.

4. The said Protocol shall likewise remain open for signature by the States mentioned in the Annex to the Covenant.

SCHEDULE B.

Protocol of Signature.

The Members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined Statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the Assembly of the League on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned Statute.

The present Protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each Power shall send its ratification to the Secretary-General of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory Powers. The ratification shall be deposited in the Archives of the Secretariat of the League of Nations.

The said Protocol shall remain open for signature by the Members of the League of Nations and by the States mentioned in the Annex to the Covenant of the League.

The Statute of the Court shall come into force as provided in the above-mentioned decision.

Executed at Geneva, in a single copy, the French and English text of which shall both be authentic.

16th December, 1920.

17633

No. 185.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.15 p.m., 19th April, 1921.)

TELEGRAM.

[Answered by No. 187.]

HIS MAJESTY'S GOVERNMENT would be glad to learn views of New Zealand Government as regards ratification of Protocol drawn up in connexion with Statute Permanent Court International Justice. Protocol, but not optional clause appended, has been signed by Balfour for British Empire; Allen, for New Zealand;

and Blankenberg, for South Africa (see League Nations Paper 21/31/26) and Canadian Government have since appointed representative to sign Protocol. Correspondence with Australia proceeding. So far as United Kingdom concerned, His Majesty's Government have decided on ratification of Protocol, and propose to adopt course of ratification by His Majesty. Request already received for ratification by His Majesty on behalf of Union of South Africa. Would your Ministers wish His Majesty to ratify Protocol on behalf of New Zealand also?—CHURCHILL.

17633

No. 186.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Sent 12.15 p.m., 19th April, 1921.)

TELEGRAM.

[Answered by Nos. 189 and 190.]

(Canada)
(Newfoundland)

19TH APRIL. Referring to [your despatch of 31st March, No. 197,*] [my despatch of 7th February, No. 27,†] His Majesty's Government would be glad to learn views of [Canadian] [Newfoundland] Government as regards ratification of Protocol drawn up in connexion with Statute Permanent Court International Justice.

So far as United Kingdom concerned, His Majesty's Government have decided on ratification of Protocol and propose to adopt course of ratification by His Majesty.

[To Canada: Request already received for ratification by His Majesty on behalf of Union of South Africa. Would your Ministers wish His Majesty to ratify Protocol on behalf of Canada also?]

[To Newfoundland: Hoped that your Ministers will agree to ratification on behalf of Newfoundland.]

—CHURCHILL.

19733

No. 187.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.40 a.m., 22nd April, 1921.)

TELEGRAM.

[Answered by No. 203.]

22ND APRIL. Your telegram 19th April.‡ Government of New Zealand desire that His Majesty should ratify Protocol in connexion with Statute Permanent Court International Justice on behalf of New Zealand.—JELlicoe.

17633

No. 188.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 60.)

SIR,

Downing Street, 22nd April, 1921.

With reference to my despatch No. 27, of the 7th of February, and my telegram of the 19th April,§ I have the honour to transmit to you, to be laid before

* No. 184. † No. 179. ‡ No. 185. § Nos. 179 and 186.

your Ministers, a copy of a memorandum* on the Permanent Court of International Justice which was considered and adopted by the Council of the League of Nations, at Paris, on 25th February, 1921, together with a letter† from the Secretary-General, dated 4th February, enclosing the Protocol of Signature with the signatures affixed to it up to 28th January, 1921.

2. The Protocol was signed on behalf of Canada on 30th March, and on behalf of Persia on 4th April.

I have, &c.,
WINSTON S. CHURCHILL.

22021

No. 189.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 a.m., 5th May, 1921.)

TELEGRAM.

[Answered by No. 198.]

4TH MAY. Your telegram 19th April,‡ respecting ratification of Protocol adjoined to Statutes of Permanent Court of International Justice. Protocol and Statute are now before Canadian Parliament for approval. As soon as approved, it is intention of Government of Canada to pass Order in Council authorizing ratification by His Majesty the King on behalf of Canada. Telegraphic advice will be sent you as soon as Order in Council is passed.—DEVONSHIRE.

23403

No. 190.
NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.55 p.m., 11th May, 1921.)

TELEGRAM.

[Answered by No. 203.]

11TH MAY. Your telegram 19th April,‡ International Court. My Ministers agree to ratification on behalf of Newfoundland.—HARRIS.

23456

No. 191.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.0 p.m., 13th May, 1921.)

TELEGRAM.

[Answered by Nos. 193 and 195.]

(New Zealand.)

(Union of South Africa.)

FOLLOWING for your Prime Minister from League of Nations Office. *Begins*: Reference Circular letter 21/31/36. Secretary-General will, in accordance Article V Statute Permanent Court Justice and by virtue Paris Council resolution, invite, among others, National Groups appointed under Article IV of Court Statute by Members of League not represented in Permanent Court Arbitration to undertake nomination of persons in position accept duties of Member Permanent Court Justice. As second Assembly meeting to be held September next, as election members Permanent Court Justice, shall, if possible take place during that meeting, and as the invitations shall be sent out at least three months before election they could not be despatched later than 1st June. Consequently those members of League not represented on Permanent Court Arbitration which do not make appointments of National Groups before said date will be deprived of influence on nomination of candidates for posts as Judges on Permanent Court Justice. ANZILOTTI. *Ends*.

—SECRETARY OF STATE FOR THE COLONIES.

* League of Nations Paper, 21/41/27: it summarized the position as to signature and ratification of the Protocol and urged that members which had not signed or ratified should do so as soon as possible.

† League of Nations Papers 21/31/6 and 21/31/6a: these papers contained the text of the Protocol and dealt with the position as to signature. ‡ No. 186.

23924

No. 192.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.9 p.m., 16th May, 1921.)

TELEGRAM.

[Answered by No. 194.]

16TH MAY. 7th May.* Permanent Court of International Justice. Government of Commonwealth of Australia agrees to sign Protocol, but not to optional clause. Prime Minister will sign for Australia on arrival England.—GOVERNOR-GENERAL.

24529

No. 193.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.25 a.m., 19th May, 1921.)

TELEGRAM.

19TH MAY. Your telegram 13th May,† Government of New Zealand does not desire to nominate persons for the duties of members of Permanent Court Justice.—JELlicoe

23924

No. 194.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 10.50 a.m., 20th May, 1921.)

TELEGRAM.

[Answered by Nos. 196 and 200.]

YOUR telegram of 16th May.‡ May I assume that Government of Commonwealth of Australia agree to ratification of Protocol Court International Justice by His Majesty after signature by Prime Minister? Telegraph reply.—SECRETARY OF STATE FOR THE COLONIES.

26742

No. 195.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.10 p.m., 28th May, 1921.)

TELEGRAM.

28TH MAY. Following message for League Nations in reply to your telegram 13th May,† relative to Permanent Court of Justice:—

Begins: Government of Union of South Africa beg to nominate following persons as National Group under Article IV of Statute Permanent Court of Justice:—Right Honourable Sir James Rose Innes, K.C.M.G., Chief Justice of South Africa, Honourable Sir William Solomon, K.C.M.G., Judge of Appeal of the Supreme Court of South Africa, Honourable Sir John Kotze, Judge, President Cape Provincial Division of the Supreme Court of South Africa, Honourable Nicolaas J. De Wet, K.C., Minister of Justice. *Ends*.

—ARTHUR FREDERICK.

* 22021: not printed; it was a reminder of No. 183.

† No. 191.

‡ No. 192.

26994

No. 196.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.40 a.m., 31st May, 1921.)

TELEGRAM.

[Answered by No. 197.]

31ST MAY. Your telegram 20th May.* Ratification of Protocol Court International Justice. After receipt of information Protocol has been signed by Prime Minister application will be made that Protocol may be ratified by His Majesty on behalf of Commonwealth.—GOVERNOR-GENERAL.

30207

No. 197.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.10 p.m., 17th June, 1921.)

TELEGRAM.

[Answered by No. 200.]

Your telegram 31st May.† Court International Justice. Your Prime Minister signed Protocol, but not optional clause, 16th June. Should be glad to receive, as soon as possible, intimation of decision of Commonwealth Government as regards ratification.—SECRETARY OF STATE FOR THE COLONIES.

30207

No. 198.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.30 p.m., 20th June, 1921.)

TELEGRAM.

[Answered by Nos. 201 and 202.]

20TH JUNE. Your telegram 4th May.‡ Understood that Canadian legislation regarding Protocol and Statute Court International Justice has been passed. Has contemplated Order in Council been passed? Please telegraph reply.—SECRETARY OF STATE FOR THE COLONIES.

30089

No. 199.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 254.)

[MY LORD DUKE.] [MY LORD.] [SIR.] Downing Street, 28th June, 1921.

I HAVE the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of two questions asked in the House of Commons, on the 14th June, and of the reply, on the subject of appointments to the Court of Arbitration at The Hague.

I have, &c.
WINSTON S. CHURCHILL.

Enclosure in No. 199.

HOUSE OF COMMONS.

(14th June, 1921.)

Hague Court of Arbitration.

MR. G. BARNES asked the Prime Minister whether, in view of the request addressed by the Secretary-General of the League of Nations to members of the Court of Arbitration at The Hague, His Majesty's Government has considered the question of filling the four places in the Court at The Hague accorded to the British Empire, so that full weight may be attached to the nominations to the Permanent Court made on behalf of the British Empire?

SIR J. D. REES asked the Prime Minister whether the Government proposes to appoint members on behalf of the British Empire to the Court of Arbitration at The Hague; and, if so, with what object?

MR. CHAMBERLAIN: I will answer these questions together. No, Sir; Lord Finlay is a member of the Court, and it is not proposed at present to fill the other three places. Although the new Permanent Court of International Justice will no doubt largely take the place of The Hague Court, the latter will continue to exist, and His Majesty's Government consider it desirable to keep places vacant in case any matter is referred to it of concern to the Dominions, who are not represented separately on The Hague Court, and who should, in that event, have a voice in the selection of additional British judges.

32627

No. 200.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.15 a.m., 30th June, 1921.)

TELEGRAM.

[Answered by No. 203.]

30TH JUNE. Federal Executive Council has approved that request be made to His Majesty for the ratification on behalf of the Commonwealth of Australia of the Protocol of the Permanent Court of International Justice. Please advise when ratification has taken place.—GOVERNOR-GENERAL.

33863

No. 201.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.35 p.m., 6th July, 1921.)

TELEGRAM.

[Answered by No. 203.]

6TH JULY. Your telegram 2nd July.* By Order in Council approved 25th June, it is recommended that Protocol of Signature in connexion with Permanent Court of International Justice be ratified by His Majesty the King for and on behalf of Canada.—DEVONSHIRE.

36945

No. 202.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th July, 1921.)

(No. 425.)

SIR,

Government House, Ottawa, 13th July, 1921.

With further reference to your telegrams dated, respectively, the 20th June and 2nd July, 1921,* I have the honour to transmit, herewith, copies of an Order in Council recommending that the Protocol of Signature in connexion with the Permanent Court of International Justice be ratified by His Majesty the King, for and in behalf of Canada.

I have, &c.,

JOHN IDINGTON,

Deputy Governor-General.

Enclosure in No. 202.

(P.C. 2174.)

AT THE GOVERNMENT HOUSE AT OTTAWA,

Saturday, the 25th day of June, 1921.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS at Geneva, on the thirteenth day of December, nineteen hundred and twenty, the First Assembly of the League of Nations, at which Canada as a Member of the League was represented by Representatives duly authorized for the purpose, unanimously approved of a Statute for the establishment of a Permanent Court of International Justice for submission to the Members of the League by the Council of the League in pursuance of Article 14 of the Covenant of the League;

And whereas a Protocol of Signature, dated the sixteenth day of December, nineteen hundred and twenty, and adjoined to the said Statute, was signed in behalf of Canada on the thirteenth day of March, nineteen hundred and twenty-one, by a representative duly authorized by the Governor-General in Council for that purpose, which Protocol and Statute are, word for word, as set forth in the Schedule to this Order;

And whereas the Parliament of Canada have approved of the said Protocol;

And whereas it is expedient that the said Protocol be ratified by His Majesty for and in behalf of Canada as a Member of the League of Nations;

Now, therefore, the Governor-General in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to order, and it is hereby ordered, that His Majesty the King be humbly moved to ratify the said Protocol for and in behalf of Canada.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

38315

No. 203.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa,

(Newfoundland.

Dominions. No. 316.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 6th August, 1921.

With reference to [the Duke of Devonshire's telegram of the 6th July,†] [Your Excellency's telegram of the 30th June,‡] [Your Excellency's telegram of the

* No. 198 and 32627: reminder; not printed. † No. 201. ‡ No. 200.

22nd April,*] [Your Royal Highness's telegram of the 23rd March,†] [your telegram of the 11th May,‡] I have the honour to transmit to you, for the information of your Ministers, a copy of the Instrument of Ratification of the Protocol of the Permanent Court of International Justice.

2. The original, which has received His Majesty's signature, is being forwarded to the Secretary-General of the League of Nations for deposit.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 203.

GEORGE, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS KING, DEFENDER OF THE FAITH, EMPEROR OF INDIA, &c., &c., &c.

To all and singular to whom these Presents shall come! Greeting!

Whereas a Protocol between Us and certain other Powers and States declaring acceptance of the adjoined Statute of the Permanent Court of International Justice which was approved by a unanimous vote of the Assembly of the League of Nations, was concluded and signed at Geneva by Our Representatives on behalf of Our United Kingdom of Great Britain and Ireland, Our Island of Newfoundland, and Our Colonies and Protectorates Overseas, on behalf of Our Dominion of New Zealand, on behalf of Our Union of South Africa, and on behalf of Our Empire of India, on the Sixteenth day of December in the Year of Our Lord, 1920, on behalf of Our Dominion of Canada on the Thirtieth day of March, 1921; and on behalf of Our Commonwealth of Australia on the Sixteenth day of June, 1921; as well as by the Representatives of other Powers and States duly and respectively authorized for that purpose, which Protocol with the adjoined Statute are word for word as follows:—

We, having seen and considered the Protocol aforesaid, have on behalf of Our United Kingdom of Great Britain and Ireland, Our Island of Newfoundland and Our Colonies and Protectorates Overseas, on behalf of Our Dominion of Canada, on behalf of Our Commonwealth of Australia, on behalf of Our Dominion of New Zealand, on behalf of Our Union of South Africa, and on behalf of Our Empire of India, approved, accepted and confirmed the same in all and every one of its Articles and Clauses, as We do by these Presents approve, accept, confirm, and ratify it for Ourselves, Our Heirs, and Successors; engaging and promising upon Our Royal Word that We will sincerely and faithfully perform and observe towards other Powers and States who are or shall be signatories of the Protocol aforesaid, all and singular the things which are contained and expressed in the Protocol, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our power.

For the greater testimony and validity of all which, We have caused the Great Seal to be affixed to these Presents, which We have signed with our Royal Hand.

Given at Our Court of Saint James, the Sixteenth day of July in the Year of Our Lord One Thousand Nine Hundred and Twenty-one and in the Twelfth Year of Our Reign.

GEORGE R.I.

PERSIA.

Agreement, 1920, modifying the Commercial Convention of 1903.

(Treaty Series 1920, No. 17.)

58290

No. 204.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 205.]

SIR,

Downing Street, 27th January, 1921.

I AM directed by Viscount Milner to state that he would be glad if Earl Curzon of Kedleston would favour him with his views on the position of the

* No. 187. † No. 182. ‡ No. 190.

Dominions under the Agreement of the 21st March, 1920, between the United Kingdom and Persia modifying the Commercial Convention of the 9th February, 1903 (Treaty Series, 1920, No. 17, Cmd. 1011.).

2. The geographical scope of the 1903 Convention and of the Agreement is described as including territories under British protection or administration (paragraph 1); the Agreement also amplifies the rights enjoyed by either party under the 1903 Convention.

3. As regards the description of the geographical scope of the 1903 Convention and of the Agreement, Lord Milner would be glad to learn whether the words "British protection or Administration" in paragraph 1 of the Agreement (page 495) are intended to refer to mandated territories. If the Agreement is to be construed as applying to mandated territories administered by the Dominions the result ensues that Persia alone amongst foreign Powers has Treaty rights of commerce and navigation in such mandated territories (except the United States in Samoa) and that Persia would be apparently entitled to the same treatment as the United States in Samoa.

4. It will, of course, be realized that His Majesty's Government are not constitutionally in a position to enter into Treaty engagements affecting the territories mandated to the Dominions without the consent of the Dominions concerned.

5. The Agreement also confers fresh Treaty rights on Persia in the Dominions. Here again the same constitutional principle applies.

6. The new rights conferred on Persian vessels by the Agreement may be of special importance to Canada. Reference is invited in this connexion to the memorandum by Sir C. Hurst on the inclusion of Coasting Trade in Commercial Treaties, dated the 22nd September, 1909, of which a copy was enclosed in your letter of the 23rd July, 1914,* relative to the Treaty rights of foreign countries to engage in the Coasting Trade of Canada. On the principles laid down in that memorandum, the rights maintained in paragraph 4 of the Agreement would appear to include participation in the coasting trade on a national footing. Foreign countries entitled to most-favoured-nation treatment in Canada as regards the coasting trade would thus be able to claim through the rights conferred on Persia, the right to participate in the Canadian coasting trade, which is understood at present to be closed to all foreign vessels.

7. It is gathered that the Agreement is already in operation. It thus becomes a question of some importance what meaning is to be attached to the statement in Article II as to the right to withdraw from participation in the Convention.

8. In view of the manner in which the Agreement amplifies the rights of the parties under the 1903 Convention, it is presumed that this statement (especially when read with the description of the 1903 Convention in paragraph 14 of the Agreement) is something more than a mere restatement of the limited arrangement embodied in the second paragraph of Article II of the 1903 Convention, and that it is now possible for the Dominions to cease to be under an obligation to grant to Persia any of the Treaty rights conferred, whether by Article IX of the Treaty of 1857 or by the Convention of 1903 or by the present Agreement. If such is the case, the only point which arises is how this can be achieved, if desired. It would certainly seem, in the circumstances, very desirable that the process for achieving it should be of the simplest possible character, e.g., a mere notification that a Dominion Government does not desire to participate in the existing Treaty arrangements with Persia.

9. A copy of this letter has been sent to the Board of Trade.

I am, &c.,

HENRY LAMBERT.

18421

No. 205.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th April, 1921.)

[Answered by No. 206.]

SIR,

Foreign Office, S.W.1, 15th April, 1921.

In reply to your letter of 27th January last,† regarding the position of the Dominions under the Agreement of 21st March, 1920, between the United Kingdom

* No. 162 in Dominions No. 51.

† No. 204.

and Persia, modifying the Commercial Convention of 9th February, 1903, I am directed by Earl Curzon of Kedleston to state that he considered it desirable to obtain the views of the Board of Trade on the points raised.

2. I now transmit to you herewith, to be laid before Mr. Secretary Churchill, a copy of a letter from the Board of Trade containing their observations in which Lord Curzon concurs.

3. With reference to the statement contained in the second portion of paragraph 3 of your letter of 27th January that no foreign Power has any treaty rights of commerce and navigation in mandated territories administered by the Dominions, except the United States in Samoa, I am to point out that this contention may be open to some doubt. Inasmuch as these territories, being all the subject of C Mandates, are to be administered by the Dominion concerned as an integral portion of its territory, it is at least arguable that any commercial treaties which apply to the territory of such Dominions are equally applicable to the territory which it holds under a mandate.

I am, &c.,

LANCELOT OLIPHANT.

Enclosure in No. 205.

(C. R. T. 545.)

Board of Trade (Commercial Relations and Treaties Department),
Great George Street, London, S.W.1, 8th April, 1921.

SIR, With reference to your letter of the 9th February enclosing a copy of a letter from the Colonial Office regarding the Anglo-Persian Commercial Agreement, I am directed by the Board of Trade to state that the Mixed Commission is understood to have intended the Agreement to apply to Mesopotamia, and in the Board's view the words "under British administration" include mandated territories administered by the United Kingdom or the Dominions.

The position of the parts of the Empire outside the United Kingdom was not clearly stated in the Treaties of 1857 and 1903, but in the Board's view clause 3 of the Agreement of 1920 should be interpreted as conferring upon any part of the Empire (other than the United Kingdom) possessing a separate Customs Administration the right to declare that it does not consider itself bound by that Agreement or by the earlier Treaties. This right will, of course, imply the right of withdrawing any mandated territory under its administration from the scope of the Agreement or earlier Treaties.

I have, &c.,

H. FOUNTAIN.

The Under Secretary of State,
Foreign Office, S.W.1.

18421

No. 206.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 208.]

SIR,

Downing Street, 19th May, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 15th April,* regarding the position of the Dominions under the Agreement of the 21st March, 1920, between the United Kingdom and Persia modifying the Commercial Convention of the 9th February, 1903, and to transmit to you, to be laid before Earl Curzon of Kedleston, the draft of a despatch† which it is proposed to send to the Dominions on this subject.

2. Mr. Churchill would be glad to know whether Lord Curzon concurs in the terms of the draft despatch. He is also sending the draft to the Board of Trade for their concurrence.

3. As regards the third paragraph of your letter, Mr. Churchill does not feel able to accept the view suggested. The territorial application of commercial treaties with foreign Powers is settled in each case by the terms of the treaty itself, such treaties only apply outside His Majesty's Dominions in the case of Pro-

* No. 205.

† See No. 210.

pectorates, and then only if the Protectorates have specially adhered. The view which His Majesty's Government have taken of the provision in the C Mandates to which you refer is that it was intended to free the mandatories from any obligation to grant equal opportunities of trade and commerce to the members of the League of Nations. The provision merely defines the nature and extent of the powers conferred on the mandatory; and in this connexion it should be borne in mind that none of the laws of a Mandatory Power apply automatically in a territory administered under a "C" Mandate: they have to be specially applied. In the circumstances it seems impossible to admit that any Treaty can apply in the absence of express mention.

4. A copy of your letter under reference, and of this letter, are being sent to the Board of Trade.

I am, &c.,
HENRY LAMBERT.

18421

No. 207.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 209.]

SIR, Downing Street, 19th May, 1921.
WITH reference to the letter from this Department, of the 29th January,* regarding the position of the Dominions under the Agreement of the 21st March, 1920, between the United Kingdom and Persia modifying the Commercial Convention of the 9th February, 1903, I am directed by Mr. Secretary Churchill to transmit to you, to be laid before the Board of Trade, a copy of correspondence† with the Foreign Office and the draft of a despatch‡ which it is proposed to send to the Dominions.

2. Mr. Churchill would be glad to know whether the Board of Trade concur in the terms of the draft despatch.

I am, &c.,
HENRY LAMBERT.

25742

No. 208.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25th May, 1921.)

SIR, Foreign Office, S.W.1, 24th May, 1921.
I AM directed by Earl Curzon of Kedleston to acknowledge the receipt of your letter of the 19th instant,§ regarding the position of the Dominions under the Anglo-Persian Customs Tariff Convention of 21st March, 1920, and to state that His Lordship concurs in the draft despatch which Mr. Secretary Churchill proposes to send to the Dominions, subject to any observations the Board of Trade may have to offer upon it.

2. A copy of this letter is being sent to the Board of Trade.

I am, &c.,
LANCELOT OLIPHANT.

28834

No. 209.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 10th June, 1921.)

SIR, Board of Trade (Commercial Relations and Treaties Department),
Great George Street, London, S.W.1, 7th June, 1921.
WITH reference to your letter of the 19th May,|| regarding the position of the Dominions under the Agreement of the 21st March, 1920, between the United

* L.F. transmitting copy of No. 204. † Nos. 205 and 206. ‡ See No. 210. § No. 206. || No. 207.

Kingdom and Persia modifying the Commercial Convention of the 9th February, 1903, I am directed by the Board of Trade to state that they concur in the terms of the draft despatch which Mr. Churchill proposes to address to the Dominions on the subject.

I have, &c.,
H. FOUNTAIN.

18421

No. 210.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 211, 212, 213, 214 and 216.]

(Canada.	} Dominions No. 236.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE.] [MY LORD,] [SIR.] Downing Street, 14th June, 1921.

WITH reference to the Agreement of the 21st March, 1920, between the United Kingdom and Persia modifying the Commercial Convention of the 9th February, 1903, of which a copy was enclosed in my predecessor's despatch Dominions No. 476, of the 26th November,* I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that the Agreement was so drawn up as to enable any of the British Oversea Dominions, on giving notice to that effect, to free itself from all Treaty obligations with Persia in regard to the treatment of Persian subjects, goods, and vessels.

2. I should be glad to be informed whether your Ministers would wish notice to this effect to be given.

I have, &c.,
WINSTON S. CHURCHILL.

33597

No. 211.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3rd August, 1921.)

(No. 115.)

SIR, Government House, St. John's, 12th July, 1921.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 236, of the 14th June,† on the subject of the Agreement between the United Kingdom and Persia, modifying the Commercial Convention of 1903, and to inform you that as there are no Persian subjects in this country, and Newfoundland has no trade connexion with Persia, my Ministers do not think it necessary to take any action for freeing this Colony from treaty obligations with Persia.

I have, &c.,
C. ALEXANDER HARRIS.

39335

No. 212.

CANADA.

THE ADMINISTRATOR to THE SECRETARY OF STATE.

(Received 8th August, 1921.)

[Answered by No. 215.]

(No. 457.)

SIR, Ottawa, 27th July, 1921.

WITH reference to your despatch Dominions No. 236, of the 14th June,†

* 58290: not printed; it enclosed a copy of Treaty Series 1920, No. 17. † No. 210.

I have the honour to inform you that Canada desires notice to be given of withdrawal from the Agreement between the United Kingdom and Persia of the 21st March, 1920.

I have, &c.,
JOHN IDINGTON,
Administrator.

51619

No. 213.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th October, 1921.)

(No. 666.)

SIR, Governor-General's Office, Pretoria, 28th September, 1921.
I HAVE the honour to transmit to you, herewith, with reference to your despatch Dominions No. 236, of the 14th June, 1921,* copy of a minute from Ministers on the subject of the Anglo-Persian Agreement of the 21st March, 1920.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 213.

MINUTE No. 937.

Prime Minister's Office, 19th September, 1921.

MINISTERS have the honour to acknowledge His Royal Highness the Governor-General's minute No. 3/3650, of the 6th July last, transmitting despatch Dominions No. 236 from the Right Honourable the Secretary of State for the Colonies relative to the Anglo-Persian Agreement of the 21st March, 1920, and to inform His Royal Highness that no reasons would appear to exist for the discontinuance of the Treaty obligations with Persia in regard to Customs and commercial agreements, but would observe that Persian subjects are amenable to the Immigration Laws regulating the admission of Asiatics into the Union.

J. C. SMUTS.

56118

No. 214.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th November, 1921.)

(No. 193.)

SIR, Government House, Wellington, 13th September, 1921.
WITH reference to your despatch, Dominions No. 236, of the 14th June,* I have the honour to inform you that my Government do not wish a notice to be sent in terms of the Anglo-Persian Agreement of 1920, freeing itself from all Treaty obligations with Persia.

I have, &c.,
JELLICOE,
Governor-General.

* No. 210.

54829

No. 215.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 621.)

MY LORD,

Downing Street, 11th November, 1921.

WITH reference to Mr. Idington's despatch No. 457, of the 27th July,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch to His Majesty's Minister at Tehran regarding the desire of the Canadian Government to withdraw from the Agreement of the 21st March, 1920, between the United Kingdom and Persia.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 215.

(No. 315.)

SIR,

Foreign Office, S.W.1, 2nd November, 1921.

THE Canadian Government, being no longer desirous of being bound by the existing Commercial Treaties with Persia, have requested that notice may be given of their withdrawal from the Agreement of 21st March, 1920, modifying the Commercial Convention between the United Kingdom and Persia of 9th February, 1903.

2. This step the Canadian Government are empowered to take in view of the second paragraph of Article II of the 1903 Convention, and paragraph 3 of the 1920 Agreement.

3. I request, therefore, that you will inform the Persian Government in the sense of the two foregoing paragraphs of this despatch and furnish me with a copy of the communication which you make.

I am, &c.,
(For the Secretary of State).
LANCLOT OLIPHANT.

R. F. O. Bridgeman, Esq., C.M.G., M.V.O.,
&c., &c., &c.

58919

No. 216.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th November, 1921.)

(No. 345.)

SIR,

Governor-General's Office, Melbourne, 11th October, 1921.

REFERRING to your despatch dated 14th June, 1921, Dominions No. 236,† relative to the Agreement of the 21st March, 1920, between the United Kingdom and Persia, modifying the Commercial Convention of the 9th February, 1903, I have the honour to inform you that I am advised by my Prime Minister that, taking advantage of the opportunity provided by the recent Agreement between the United Kingdom and Persia, the Commonwealth Government desires to free itself from all Treaty obligations with Persia, and requests that His Majesty's Government give the necessary notice to that effect to the Government of Persia.

I have, &c.,
FORSTER,
Governor-General.

* No. 212.

† No. 210.

PROPERTY, RIGHTS AND INTERESTS.

Agreement as to Restitution of Property, etc., under Article 297,
Treaty of Peace with Germany.

(Treaty Series 1921. No. 26.)

63438

No. 217.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Sent 3.35 p.m., 3rd January, 1921.)

TELEGRAM.

[Answered by No. 220.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

My telegram 16th December.* Restitution of Property Agreement signed 31st December, with Protocol, by which agreed that stipulations of Agreement cannot be invoked in respect of British nationals ordinarily resident and British companies incorporated in any part of Empire outside United Kingdom nor to benefit of German nationals in respect of property, rights and interests in any part of Empire outside United Kingdom, but that at request of His Majesty's Government at any time within three months from date of signature Agreement shall be made to apply reciprocally to India as well as United Kingdom in present form or with such modifications as may be agreed.—MILNER.

1216

No. 218.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
and GOVERNOR.

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.) } Dominions No. 41.)

[My LORD DUKE,] [My LORD,] [SIR,] Downing Street, 21st January, 1921.

With reference to my despatch Dominions No. 7, of the 6th January,† I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of the Agreement‡ between His Majesty's Government and the Government of Germany relative to the restitution of property, rights and interests under Article 297 of the Treaty of Peace, and of the Protocol,† regarding the application of the Agreement to parts of the British Empire other than the United Kingdom, both signed on the 31st December, 1920.

I have, &c.,
MILNER.

* No. 348 in Dominions No. 75. † 62316: not printed; it enclosed a copy of the draft Agreement.
‡ Not printed here, subsequently printed in Treaty Series 26 of 1921.

3816

No. 219.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 24th January, 1921.)

(No. 241.)

My LORD,

Government House, St. John's, 31st December, 1920.

I HAVE the honour to acknowledge the receipt of your telegrams (two) of the 16th instant,* on the subject of a proposed agreement with the Government of Germany in regard to the immediate restitution of British property at present held in Germany in return for certain concessions as to German property under the control of the British Government.

2. My Ministers state that up to the present there has been no registration of any property belonging to persons in Newfoundland held in Germany, neither is it thought that there is any such property. It would appear, therefore, that the proposed agreement has no practical importance for this Colony.

I have, &c.,

C. ALEXANDER HARRIS.

4207

No. 220.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.50 a.m., 26th January, 1921.)

TELEGRAM.

[Answered by No. 224.]

26TH JANUARY. Your telegrams 16th December, your telegram 3rd January,† property, rights and interests under Article No. 297, Treaty of Peace. My Government is willing to be included and to adopt agreement proposed to be entered into between Imperial Government and Government of Germany, as set forth in above mentioned telegrams. Imperial Government may also, in respect of any similar agreement with other enemy Powers, include New Zealand.—JELlicOCK.

6922

No. 221.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 a.m., 14th February, 1921.)

TELEGRAM.

14TH FEBRUARY. With reference to your telegrams 16th December,* giving summary of reciprocal agreement with Germany relating to restitution of British property and concessions German property, my Ministers concur in your suggestion as to exchange of notes in the terms indicated by you.—GOVERNOR-GENERAL.

10510

No. 222.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th March, 1921.)

[Answered by No. 223.]

(No. 107.)

My LORD,

Government House, Ottawa, 14th February, 1921.

With reference to your despatch, Dominions No. 7, of the 6th ultimo,‡ transmitting a copy of a draft Agreement between His Majesty's Government and the

* Nos. 347 and 348 in Dominions No. 75. † Nos. 347 and 348 in Dominions No. 75 and 217 in this volume. ‡ 62316: see † on page 148.

Government of Germany regarding the restitution of property, rights and interests under Article 297 of the Treaty of Peace, I have the honour to inform you that it is considered that Canada should adhere to this Agreement of the 31st December, 1920. The following changes in this Agreement will make it applicable to Canada:—

Article 11, lines 2 and 3: For "release from the charge established under the Treaty of Peace" read "relinquished."

Article 14, line 3: For "released from the charge created under section 4 of Part X" read "relinquished."

Article 15, lines 5, 6, and 7: For "release of German property from the charge established under the Treaty of Peace" read "relinquishment of German property."

I have, &c.,
DEVONSHIRE.

54543

No. 223.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 623.)

MY LORD,

Downing Street, 11th November, 1921.

WITH reference to the Duke of Devonshire's despatch No. 107, of the 14th February,* I have the honour to request Your Excellency to inform your Ministers that the German Government were approached through the Representative in London of the German Clearing Office, with a view to the extension to Canada of the Anglo-German Agreement of the 31st December, 1920, regarding matters arising under Article 297 of the Treaty of Versailles, subject to the modifications suggested by the Canadian Government. The German Government were at the same time asked to agree to the extension of the Agreement to New Zealand, in accordance with a request from the New Zealand Government.

2. The German Government replied that they agreed to the extension to New Zealand, but that as regards Canada a final decision must be reserved. A copy of the communication received from the representative in London of the German Clearing Office is enclosed. The extension to New Zealand was effected by the addition of a paragraph to the Certificate of the Exchange of Ratifications, a copy† of which is enclosed.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 223.

(Tgb. A. Nr. 13369.)

Representative of the Imperial Reparation Department,
EXCELLENCY, London, 13th July, 1921.

WITH reference to your communication of the 15th April, 1921, I have the honour, at the instance of the Imperial Reconstruction Ministry, to inform you that the German Government is prepared to conclude with the Government of New Zealand an Agreement in accord with the Anglo-German Agreement of 31st December, 1920, for carrying out Article 297.

In the matter of the conclusion of a similar Agreement with Canada a final decision must be reserved.

With marked esteem, I have, &c.,
A. V. FRIEDBERG.

To the Controller of the Clearing Office,
E. S. Grey, Esq.,
Cornwall House.

* No. 222. † Not printed, subsequently printed in Treaty Series 26 of 1921.

54543

No. 224.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 221.)

MY LORD,

Downing Street, 11th November, 1921.

WITH reference to Your Excellency's telegram of the 26th January,* I have the honour to transmit to you, for the information of your Ministers, copies of the Certificates† of the Exchange of the Ratifications of the Anglo-German Agreement of the 31st December, 1920, regarding matters arising under Article 297 of the Treaty of Versailles, together with copies of an additional Protocol† correcting certain minor textual errors in the Agreement.

2. It will be observed that the Agreement has now been extended to New Zealand.

I have, &c.,
WINSTON S. CHURCHILL.

ROUMANIA.

Denunciation of Commercial Convention of 1905.

19326

No. 225.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 177.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE.] [MY LORD.] [SIR.] Downing Street, 29th April, 1921.

I HAVE the honour to transmit to [Your Royal Highness.] [Your Excellency.] [you.] to be laid before your Ministers, a copy of a despatch from the Roumanian Chargé d'Affaires notifying the decision of his Government to denounce the Commercial Convention concluded with this country on the 31st October, 1905.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 225.

(No. 1180/21/1. B.)

MY LORD, Roumanian Legation, 4, Cromwell Place, S.W.7, 18th April, 1921.

AT the request of my Government, I have the honour to inform Your Excellency that they have decided to denounce the Commercial Convention concluded with England on the 31st October, 1905.

The Roumanian Government wish to point out that this should be considered only as a natural result of the general measures which have to be taken in view of the negotiations of the new economical régime of Great Roumania.

I have, &c.,
M. B. BOERESCO,
Minister Plenipotentiary
Chargé d'Affaires.

The Right Honourable
The Earl Curzon of Kedleston, K.G., etc.,
Secretary of State for Foreign Affairs.

* No. 220. † Not printed, subsequently printed in Treaty Series 26 of 1921.

RUSSIA.

Trade Agreement [Cmd. 1207].

601

No. 226.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 36. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 21st January, 1921.

I HAVE the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, the draft* of an Agreement between His Majesty's Government and the Russian Soviet Government with regard to the resumption of trade and commerce between the United Kingdom and Russia. The terms of the draft have been settled with M. Krassin, who has taken the Agreement with him to Russia for the approval of the Russian Soviet Government.

I have, &c.,

MILNER

13109

No. 227.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 229, 230, 231, 232, 234, 235 and 237.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 116.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 24th March, 1921.

WITH reference to my predecessor's despatch Dominions, Confidential, No. 36, of the 21st January,† which need no longer be treated as Confidential. I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, a copy of the Trade Agreement* between His Majesty's Government and the Russian Soviet Government, and of the Declaration* of the Recognition of claims signed on the 16th March by Sir Robert Horne, President of the Board of Trade, and M. Krassin.

2. I should be glad to learn whether your Ministers would desire to participate in this arrangement for the resumption of trade with Russia, and, if so, in what manner.

I have, &c.,

(For the Secretary of State).

L. S. AMERY.

* Subsequently published as [Cmd. 1207].

† No. 226.

15135

No. 228.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 231.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 126.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 4th April, 1921.

WITH reference to my despatch Dominions No. 116. of the 24th March,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of a Parliamentary Paper [Cmd. 1207] containing the text of the Trade Agreement between His Majesty's Government and the Government of the Russian Socialist Federal Soviet Republic.

I have, &c.,

(For the Secretary of State).

L. S. AMERY.

24262

No. 229.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th May, 1921.)

(No. 246.)

SIR,

Governor-General's Office, Cape Town, 27th April, 1921.

I HAVE the honour to transmit to you herewith, with reference to Lieutenant-Colonel L. S. Amery's despatch Dominions No. 116. of the 24th March, 1921,* copy of minute, No. 383, from Ministers, dated 25th April, 1921, on the subject of the resumption of trade with Russia.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 229.

MINUTE No. 383.

Prime Minister's Office, 25th April, 1921.

MINISTERS have the honour to acknowledge the receipt of the Governor-General's minute No. 3/3521, of 19th April, on the subject of the resumption of trade with Russia, and to inform His Royal Highness that they are desirous that trade relations between the Union and Russia shall be resumed. So far as they are aware, however, there is at present no bar to this course, and a special agreement such as His Majesty's Government have concluded seems to be unnecessary in the case of the Union. The special circumstances with which the above agreement deals do not appear to apply in the case of the Union.

Ministers will instruct the High Commissioner for the Union in London to discuss with the Board of Trade and the Russian representatives in London any particular action which may be deemed necessary for the resumption of normal intercourse between the Union and Russia.

J. C. SMUTS.

* No. 227.

28574

No. 230.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8th June, 1921.)

(No. 87.)

SIR, Government House, St. John's, 23rd May, 1921.
I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 116, of the 24th March,* on the subject of the Trade Agreement between His Majesty's Government and the Russian Soviet Government and of the Declaration of the Recognition of Claims signed on the 16th March, 1921.

2. My Ministers inform me that the Agreement in question will not affect Newfoundland in its foreign trade; a review of the import trade of the Colony in the past does not disclose any consideration which would warrant its participating in any arrangement for the resumption of trade with Russia. The imports from Russia for the past sixteen years have not amounted to \$15,000,000; the purchases have always been made through London brokers.

3. For these reasons my Ministers do not desire to participate in any arrangement for the resumption of trade with Russia.

I have, &c.,

C. ALEXANDER HARRIS.

38784

No. 231.

THE HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

(Received 4th August, 1921.)

[Answered by No. 233.]

SIR, 19, Victoria Street, London, S.W.1, 3rd August, 1921.
REFERRING to Colonial Office despatch No. 126, 4th April, 1921,† to the Governor-General of Canada and previous correspondence relative to the Trade Agreement between His Majesty's Government and the Government of the Russian Socialist Federal Soviet Republic, I beg to inform you that the Prime Minister of Canada desires that the Government of Canada shall be associated with the above Agreement and it is desired that Mr. Secretary Churchill will arrange such adhesion either by exchange of notes or through such other means as may be considered appropriate.

Mr. Meighen understands that the Foreign Office considers the above a necessary pre-requisite to Canadian official representatives being sent to Russia, and he desires, when this preliminary has been arranged, that Mr. H. J. Mackie, M.P., and Mr. L. D. Wilgress as his assistant, may be attached to the British Trade Mission now in Moscow. Their object will be to investigate and report to the Canadian Government on conditions in Russia and on the advisability of appointing a permanent trade representative there.

I am, &c.,

W. L. GRIFFITH.

40967

No. 232.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th August, 1921.)

(No. 135.)

SIR, Government House, Wellington, 5th July, 1921.
WITH reference to your despatch, Dominions No. 116, of the 24th March,* enclosing a copy of the Trade Agreement between His Majesty's Government and the Russian Soviet Government and the Declaration of the Recognition of Claims

* No. 227. † No. 228.

signed by Sir Robert Horne, I have the honour to inform you that my Ministers have advised me that they would prefer to postpone replying to the question whether they desire to participate in the arrangement until Mr. Massey returns from England.

I have, &c.,

JELLICOE.

Governor-General.

43512

No. 233.

COLONIAL OFFICE to THE HIGH COMMISSIONER FOR CANADA.

SIR, Downing Street, 31st August, 1921.

WITH reference to the letter from this Department of the 17th August,* I am directed by Mr. Secretary Churchill to transmit to you, for the information of the High Commissioner, a copy of correspondence between the Foreign Office and the Russian Trade Delegation in London, relative to the attachment of Mr. H. J. Mackie and Mr. L. D. Wilgress to the British Trade Mission in Moscow.

I am, &c.,

E. J. HARDING.

Enclosure 1 in No. 233.

(N 9457/9457/38.)

SIR, Foreign Office, S.W.1, 25th August, 1921.

I AM directed by the Marquess Curzon of Kedleston to inform you that the Canadian Government has expressed the desire to be associated with His Majesty's Government in the Trade Agreement between Russia and Great Britain.

2. Pending formal negotiations for a Canadian-Russian agreement, the Canadian Government are desirous of attaching Mr. H. J. Mackie, member of the Canadian Government,† and Mr. L. D. Wilgress, member of the Canadian Ministry of Trade and Commerce, to the British Mission in Moscow, and I am to inquire whether the Soviet Government would agree to these gentlemen being temporarily attached to the British Mission, and if they would afford them all the necessary facilities for making a report to their Government.

I am, &c.,

J. D. GREGORY.

Monsieur Berzin.

Russian Trade Delegation.

128, New Bond Street, W.

Enclosure 2 in No. 233.

(N 9876/9457/38.)

(Your reference: 9457/9457/38.)

(Our reference: JB/717.)

M. BERZIN presents his compliments to the Under Secretary of State for Foreign Affairs, and, with further reference to the Foreign Office note of the 25th instant, under the above reference, begs to inform him that he has received information from Moscow that the Russian Government will be pleased to receive in Moscow Mr. H. J. Mackie, member of the Canadian Government,† and Mr. L. D. Wilgress, member of the Canadian Ministry of Trade and Commerce.

On presentation of their passports at our office, the necessary visas will be given.

29th August, 1921.

* 38784: an acknowledgment of No. 231. † Subsequently corrected to "Parliament."
See Nos. 231 and 236.

45448

No. 234.
CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th September, 1921.)

[Answered by No. 236.]

(No. 517.)

SIR, Government House, Ottawa, 30th August, 1921.
WITH reference to your despatch of the 24th March, 1921, Dominions No. 116,* enclosing copy of the Trade Agreement between His Majesty's Government and the Russian Soviet Government, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council of Canada, dated the 22nd instant, intimating that Canada desires to participate in the arrangement for the resumption of trade with Russia, and asking that permission be given to attach Canadian representatives to the British Government Trade Mission which has recently left London to establish headquarters in Moscow.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 234.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 22ND AUGUST, 1921.

(P.C. 2892.)

THE Committee of the Privy Council have had before them a report, dated 10th August, 1921, from the Minister of Trade and Commerce, with reference to a despatch, under date of 24th March, 1921, Dominions No. 116, from the Right Honourable the Secretary of State for the Colonies, enclosing copy of the Trade Agreement between His Majesty's Government and the Russian Soviet Government, which was signed at London on 16th March, 1921.

The Minister recommends that His Majesty's Government be informed that Canada desires to participate in the arrangement for the resumption of trade with Russia.

The Minister further recommends that a request be made also to permit Canadian representatives to be attached to the British Government Trade Mission which has recently left London to establish headquarters in Moscow in pursuance of the Trade Agreement referred to.

The Committee concur in the foregoing recommendations and submit the same for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

48497

No. 235.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th September, 1921.)

(No. 276.)

SIR, Governor-General's Office, Melbourne, 6th August, 1921.
WITH reference to Colonial Office despatch dated 24th March, 1921, Dominions No. 116,* covering a copy of the Trade Agreement between His Majesty's Government and the Russian Soviet Government, and requesting to be advised whether my Ministers are desirous of participating in the arrangement for the resumption of trade with Russia, I have the honour to inform you that my Acting Prime Minister advises that the Commonwealth Government is agreeable to remove all restrictions on trade with Russia, but does not desire to become a party to the Trade Agreement.

I have, &c.,
FORSTER,
Governor-General.

* No. 227.

49568

No. 236.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 238.]

(No. 563.)

MY LORD,

Downing Street, 15th October, 1921.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 517, of the 30th August,* and to transmit to you, to be laid before your Ministers, a copy of correspondence† with the Russian Trade Delegation regarding the desire of the Canadian Government to participate in the arrangement for the resumption of trade with Russia and to attach Canadian representatives to the British Trade Mission in Moscow.

2. As regards the participation of the Canadian Government in the Trade Agreement, no reply has yet been received from the Soviet Government. The Secretary of State for Foreign Affairs, however, suggests that the following formula might be embodied in notes to be exchanged between the Foreign Office and the Russian Trade Delegation, provided, of course, that the Soviet Government agree:—

"The Government of the Dominion of Canada having expressed their desire that the provisions of the Agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London, on the 16th day of March, 1921, should apply also to Canada and to merchandise the produce and manufacture of Canada, it is hereby agreed that the provisions of that Agreement shall as and from the date of the present Agreement be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia."

I should be glad to be informed by telegraph whether your Ministers concur in the terms of the proposed formula.

3. I would add that the Secretary of State for Foreign Affairs has been asked to correct the error in the description of Mr. Mackie in the correspondence with Monsieur Berzin.

I have, &c.,

WINSTON S. CHURCHILL.

57766

No. 237.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 21st November, 1921.)

(No. 218.)

SIR,

Government House, Wellington, 14th October, 1921.

WITH reference to your despatch, Dominions No. 116, of the 24th March,‡ I have the honour to inform you that the details of the Trade Agreement between His Majesty's Government and the Russian Soviet Government have been considered by my Government, who now desire to participate in this arrangement for the resumption of trade with Russia, to the extent that New Zealand mercantile firms should be allowed freedom of communication with the Russian Trade Delegation and with business individuals and institutions in the Russian Republic.

I have, &c.,

JELLICOE,
Governor-General.

* No. 234. † Enclosure in Nos. 233 and 43512: not printed (an acknowledgment of enclosure 1 in No. 233). ‡ No. 227.

63940

No. 238.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 p.m., 28th December, 1921.)

TELEGRAM.

28TH DECEMBER. Your despatch 15th October, No. 563.* Minute of Council approved 26th December stating that Government of Canada approves of terms of formula which it is proposed to embody in notes to be exchanged between Foreign Office and Russian Trade Delegation with regard to Canada's participation in arrangements resumption of trade with Russia. Despatch follows by mail.—BYNG.

SERB-CROAT-SLOVENE STATE.

Commercial Treaty of 1907.

(Treaty Series 1909, No. 14.)

35480

No. 239.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions, No. 303.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th July, 1921.
WITH reference to the Earl of Crewe's despatch† [No. 433, of the 2nd July, 1909,] [No. 250, of the 2nd July, 1909,] [No. 130, of the 2nd July, 1909,] [to the Governor of the Cape of Good Hope, No. 189,] [No. 105, of the 2nd July, 1909,] and previous correspondence, I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that His Majesty's Government think that it may be well to place on record that the Commercial Treaty with Serbia, of 1907, is binding on the Serb-Croat-Slovene State under Article XII of the Treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State of 10th September, 1919 (copies of which were enclosed in my predecessor's despatch Dominions No. 783, of the 17th October, 1919‡), which stipulates that pending the conclusion of new Treaties or Conventions, all Treaties, Conventions, Agreements, and obligations between Serbia on the one hand and any of the Principal Allied and Associated Powers on the other hand, which were in force on the 1st of August, 1914, or which have since been entered into, shall *ipso facto* be binding on the Serb-Croat-Slovene State.

I have, &c.,
WINSTON S. CHURCHILL.

* No. 236. † Not printed. This forwarded a list of accessions of British Colonies to the 1907 Treaty (Treaty Series, 1909, No. 14). ‡ No. 366 in Dominions No. 75.

SIAM.

Revision of Commercial Treaties.

35911

No. 240.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 241, 242, 243 and 244.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 285. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 19th July, 1921.
I HAVE the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that the question of the revision of the Commercial Treaties with Siam of 1855, 1856, and 1883 has been under consideration, following on representations made by the Siamese Delegation at the Peace Conference.

2. The enclosed prints,* as noted in the margin, explain the points which have been under examination, and a stage has now been reached when it is thought desirable to formulate, either in the form of a new draft Treaty to replace the existing Commercial Treaties, or in the form of one amending those Treaties, the proposals which His Majesty's Government would be prepared to discuss with the Siamese Government. These could be presented when circumstances make it desirable to continue negotiations.

3. The draft Treaty will be communicated to the Dominion Governments as soon as it is ready, but, in the meantime, His Majesty's Government would be glad if your Ministers would take the enclosed papers into consideration, and indicate any points to which they attach importance in the interests of the trade of [Canada] [the Commonwealth of Australia] [New Zealand] [the Union of South Africa] [Newfoundland] which should be borne in mind during the preparation of the new draft Treaty or during the later stages of the negotiations with the Siamese Government.

4. I enclose, in this connexion, prints regarding (a) the conclusion of a new Treaty between the United States of America and Siam, and (b) the attitude which His Majesty's Government are willing to adopt as to the bearing of the "most-favoured-nation" clause (Article X) in the Anglo-Siamese Treaty of 1855 on the new arrangements as to jurisdiction over citizens of the United States now contained in the Protocol to the new Treaty between the United States and Siam.

5. I may add that the Anglo-Siamese Treaties to which reference is made in this despatch, together with the later Treaty of 1909, are printed on page 781 of the published volume entitled "Treaties, etc., of Commerce and Navigation between Great Britain and Foreign Powers wholly or partially in force on 31st December, 1912."

I have, &c.,
WINSTON S. CHURCHILL.

* Foreign Office Prints [5818k-1] [41430-1] [4357x-1] [5111g-1] [5008d-1] [5813b-1.]
† Foreign Office Print [3003hh-1]. ‡ Foreign Office Print [62831-1]. § Foreign Office Print [6283hh-1].

Enclosure in No. 240.

FOREIGN OFFICE TO SIAMESE LEGATION.

SIR,

Foreign Office, 20th May, 1920.

I HAVE the honour to acknowledge the receipt of your letter of the 31st March last asking for the views of His Majesty's Government on the effect of the most-favoured-nation clause on matters of jurisdiction dealt with by the Treaty between Siam and Great Britain on the 10th March, 1909.

You point out that the Government of the United States of America is willing to return to Siam complete jurisdiction over American subjects in Siam on the ratification of a proposed new Treaty without any guarantee beyond that of a reservation of the right of evocation from the Court of Appeal, which is to cease and determine five years after the promulgation of the Siamese codes.

I have the honour to inform you in reply that, whilst His Majesty's Government cannot abandon their traditional policy as to their interpretation of the most-favoured-nation clause, they are nevertheless willing on this occasion, in view of the existing arrangements made under the Treaty of the 10th March, 1909, not to claim the benefit of this special arrangement about to be made between the Royal Siamese Government and the Government of the United States of America.

In informing you of the above decision, I desire, however, to observe that, in the event of any further concessions being made by Siam, now or at any subsequent date, either in the proposed agreement with the United States of America or in any subsequent agreement with any other country, it may become necessary for His Majesty's Government to reconsider their whole attitude.

His Majesty's Government appreciate and reciprocate the desire of the Royal Siamese Government to maintain intact the good understanding so happily existing between the two Governments, and in replying on the above lines to the Siamese Government His Majesty's Government are prompted by the same wish to avoid any possible divergence of views in the future on the interpretation of the Treaties.

I have, &c.,

VICTOR WELLESLEY.

43239

No. 241.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th August, 1921.)

(Confidential.)

SIR,

Government House, Ottawa, 19th August, 1921.

WITH reference to your Confidential despatch Dominions No. 285, of the 19th July last,* on the subject of the revision of the Commercial Treaties with Siam, which invited suggestions from the Canadian Government as to points connected with the interests of the trade of Canada which should be borne in mind in the preparation of the proposed new draft Treaty, my Ministers state that as the despatch discloses that the complete draft Treaty will be communicated to Canada as soon as it is ready, that the larger privileges being sought in respect of search for oil and minerals are to be applicable to all British subjects, and that His Majesty's Government will insist upon unconditional most-favoured-nation treatment for His Majesty's Dominions, the Government of Canada does not think it necessary to make further suggestions at the present time.

I have, &c.,

BYNG OF VIMY.

* No. 240.

50548

No. 242.

UNION OF SOUTH AFRICA.

THE DEPUTY GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th October, 1921.)

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 21st September, 1921.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 285, Confidential, of the 19th July, 1921,* copy of a minute from Ministers on the subject of the revision of the Commercial Treaties with Siam of 1855, 1856 and 1883.

I have, &c.,

J. ROSE INNES,

Deputy for the Governor-General.

Enclosure in No. 242.

MINUTE No. 936.

Prime Minister's Office, 19th September, 1921.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's minute No. 62/2164, of the 16th August, regarding the revision of the Commercial Treaties with Siam of 1855, 1856, and 1883, and to state that the direct export trade with Siam is negligible, whilst imports into the Union of South Africa from that country (principally rice and timber) during 1920 amounted in value to £70,338.

As imports from Siam are not treated less favourably under the Union Customs Tariff than imports from other foreign countries, Ministers recommend that in any new Treaty with the Siamese Government, the Union of South Africa should be accorded "most-favoured-nation" treatment.

J. C. SMUTS.

52877

No. 243.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 24th October, 1921.)

(Confidential.)

SIR,

Government House, St. John's, 10th October, 1921.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 285, Confidential, of the 19th July,* on the question of the revision of the Commercial Treaties with Siam of 1855, 1856, and 1883, and to inform you that as this Colony has no trade with Siam, my Ministers have no remarks to offer.

I have, &c.,

C. ALEXANDER HARRIS.

* No. 240.

56216

No. 244.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th November, 1921.)

(Confidential.)

SIR, Government House, Wellington, 23rd September, 1921.

WITH reference to your Confidential despatch, Dominions No. 285, of the 19th July,* on the subject of Commercial Treaties with Siam, I have the honour to inform you that hitherto New Zealand's trade with Siam has been very small indeed. Consequently, any commercial intercourse between this Dominion and Siam is prospective rather than actual, and it would appear almost certain that any arrangements safeguarding the interests of the United Kingdom would adequately foster the welfare of New Zealand trade.

2. New Zealand's principal import from Siam is a small quantity of rice—a few hundred tons annually—while our export trade to that country is at the moment inconsiderable.

3. There are, however, two points in which New Zealand is specially interested in the negotiations leading to revision of the commercial treaty.

The first point is that the unconditional maintenance of the "most-favoured-nation" clause for British Possessions would be beneficial. The time may come when New Zealand products, particularly tinned milk foods and perhaps tinned meats, will find a market in Siamese territory. This Dominion exports large quantities of frozen meat, butter, and cheese, and other goods in bulk to the United Kingdom, but, at the same time, there is being developed a considerable output of canned and packed goods suitable for all kinds of markets. Thus it is by no means improbable that in the future Siam may become an important purchaser of New Zealand goods. In any country where His Majesty's Government succeeds in securing the "most-favoured-nation" treatment for the Dominions, New Zealand is likely to benefit, either directly or indirectly.

The second point is the complication concerning trade marks, merchandise marks, and patents. Any improvement which the Imperial Government can secure towards placing the question of trade and merchandise marks on a satisfactory basis and safeguarding goods from unfair competition, will tend to benefit not only New Zealand trade but all international commerce. The class of packed goods which New Zealand may in the future export to Siam are just the kind of articles which will be covered by trade marks, and will require any protection that the Siamese authorities can reasonably afford against unfair competition.

4. All the foregoing remarks are, of course, made from the point of view of prospective rather than actual trade, and it is emphasized that New Zealand's present interests in trade with Siam are unimportant.

I have, &c.,
JELLICOE,
Governor-General.

TERRITORIAL WATERS.

(1) Estuary of the St. Lawrence.

18238

No. 245.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.5 p.m., 18th April, 1921.)

TELEGRAM.

[Answered by No. 246.]

18TH APRIL. Notice has been given of following question in House of Commons:—*Begins*: Whether any area of the estuary of the St. Lawrence, or Gulf

* No. 240.

or St. Lawrence, situated further than three miles from the nearest land is regarded by the Government as being within territorial waters. *Ends*.

Should be glad to have by telegram, as soon as possible, advice of your Government as to answer to be returned to this question.—CHURCHILL.

25187

No. 246.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.0 a.m., 21st May, 1921.)

TELEGRAM.

[Answered by No. 247.]

20TH MAY. Your telegram 18th April,* territorial waters. The reply is in the affirmative.—DEVONSHIRE.

27002

No. 247.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 290.)

MY LORD DUKE,

Downing Street, 8th June, 1921.

WITH reference to my telegram of the 18th April,* and to Your Excellency's telegram in reply, of the 20th May,† relative to the territorial waters in the Gulf of St. Lawrence, I have the honour to transmit to you, for the information of your Ministers, a copy of a Question and Answer in the House of Commons on the subject, together with a copy of a Question put to the Secretary for Scotland on the 2nd June, and the reply returned.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure 1 in No. 247.

HOUSE OF COMMONS.

(31st May, 1921.)

Gulf of St. Lawrence.

SIR A. WILLIAMSON asked the Secretary of State for the Colonies whether any area of the estuary of the St. Lawrence, or Gulf of St. Lawrence, situated further than three miles from the nearest land is regarded by the Government as being within territorial waters?

The SECRETARY OF STATE FOR THE COLONIES (Mr. Churchill): The answer is in the affirmative.

Enclosure 2 in No. 247.

HOUSE OF COMMONS.

(2nd June, 1921.)

Moray Firth.

SIR A. WILLIAMSON asked the Secretary for Scotland whether, in view of the statement of the Secretary of State for the Colonies, that in the Gulf of St. Lawrence the Government regard as territorial the waters enclosed within a line drawn from headland to headland, although a portion of the area is more than three miles from the nearest land, he will state whether the same principle is maintained by the Government in the case of the Moray Firth; and whether appropriate steps will be taken to put it in force?

* No. 245. † No. 246.

MR. MUNRO: I am not in possession of the full facts regarding the area in the Gulf of St. Lawrence which was the subject of the statement made by my right hon. Friend, and I cannot therefore say whether the principle involved differs from that recognized under the North Sea Convention of 1882, which applies to the Moray Firth. I am, however, looking into the matter in connexion with the review of the whole situation which I referred to in my answer dated the 12th April, and which is now proceeding.

(2) Norway: Legislation Extending Limit of Territorial Waters for Customs Purposes.

49631

No. 248.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

} Dominions No. 434. Confidential.)

[MY LORD], [SIR],

Downing Street, 26th October, 1921.

From His Majesty's Minister, Christiania,
No. 329, 16th August
From His Majesty's Minister, Christiania,
No. 340, 25th August*
From His Majesty's Minister, Telegram,
Christiania, 3rd September†
From His Majesty's Minister, Telegram,
Christiania, No. 351, 2nd September*
From His Majesty's Minister, Telegram,
No. 359, Christiania, 5th September†
From His Majesty's Minister, Telegram,
Christiania, No. 361, 7th September†
From His Majesty's Minister, Telegram,
Christiania, No. 390, 22nd September†
From His Majesty's Minister, Telegram,
Christiania, 3rd October.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of telegrams and despatches as noted in the margin, from His Majesty's Minister at Christiania on the subject of a Norwegian Act for the extension to ten sea miles of the limits within which the Norwegian Customs authorities may control shipping.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 248.

(No. 329.)

MY LORD,

British Legation, Christiania, 16th August, 1921.

I HAVE the honour to report that a statement having appeared in the Press to-day to the effect that there was a question of the extension of Norwegian territorial waters with a view to checking the smuggling of brandy into the country, Mr. Warner asked the Minister for Foreign Affairs if he could give him any information as to the intentions of the Norwegian Government in the matter.

Dr. Raestad said that the smuggling of brandy from Germany in German vessels had reached such dimensions that the Norwegian Government had decided that more effective action must be taken to stop it, and that a Bill would be introduced into the Storting when it reassembles on the 29th August, empowering the Customs officers to board and search vessels outside the four mile limit, if they appeared to be loitering with intent to smuggle. There was no question of modifying Norway's attitude towards the territorial waters limits in the case of neutrality or fishing which she regards as three and four miles respectively. Dr. Raestad did not know what limit would be fixed in the Bill.

Dr. Raestad referred in this connexion to a paper, which he had written, which had appeared in the *Revue Générale de Droit International Public* for 1914, page 390 to page 420, and said that a number of Powers exercised customs control outside the recognized limits of territorial waters.

* Extract only printed

† 49163: not printed.

Dr. Raestad expressed the earnest hope that His Majesty's Government would raise no objection to the action which the Norwegian Government were about to take, emphasizing the fact that there was no question of any interference with legitimate trade. He thought that the Bill would be passed about the middle of September.

There can be little doubt that the Bill will meet with strong opposition from many organs of the Press and in the Storting, as there is wide opposition to existing temperance legislation, which, apart from seriously hampering Norway's foreign trade, is regarded as infringing the liberty of the individual in an intolerable degree.

I shall not fail to keep Your Lordship informed of any further developments, and will forward a translation of the Bill as soon as I can obtain a copy.

I have, &c.,

(For the Minister)

G. R. WARNER.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., &c., &c., &c.

Enclosure 2 in No. 248.

(Extract.)

(No. 340.)

MY LORD,

British Legation, Christiania, 25th August, 1921.

WITH reference to my despatch No. 329 of the 16th instant, respecting the intention of the Norwegian Government to extend Norwegian territorial waters for customs purposes, I have the honour to state that Mr. Warner drew the attention of the Minister for Foreign Affairs on the 23rd instant to a telegram from Washington which had been published in the Christiania Press, stating that His Majesty's Government had informed the United States Government in connexion with the seizure of the "Henry T. Marshall" that they could not recognize their jurisdiction outside the three-mile limit. Mr. Warner also referred to an announcement in *The Times*, reproduced in *Morgenblad*, that His Majesty's Government had decided to protest against the proposed action of the Norwegian Government, and inquired whether Dr. Raestad thought it probable that in the circumstances the Bill to extend the jurisdiction of the Norwegian Customs Officers would be introduced into the Storting.

Dr. Raestad replied that in view of the objections which were likely to be raised, the Bill would contain a clause providing that it should be brought into force by Royal Resolution. This would afford time for any necessary discussions with foreign Powers. He did not yet know what limit would be named in the Bill.

I have, &c.,

G. R. WARNER.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., &c., &c., &c.

Enclosure 4 in No. 248.

(Extract.)

(No. 351.)

MY LORD,

British Legation, Christiania, 2nd September, 1921.

I HAVE the honour to refer to my despatches Nos. 329 and 340 of the 16th and 25th ultimo respectively, on the subject of the intention of the Norwegian Government to extend Norwegian territorial waters for the purposes of customs control.

2. I saw the Minister for Foreign Affairs on the 30th ultimo, and he then confirmed his previous statements as reported in the above-mentioned despatches, as regards the proposed extension. I understood from what Dr. Raestad then said that he proposed to ask the Storting to pass a law with this object, authorizing the King in Council to put it in force when it was considered desirable to do so.

3. In the meantime I had received confidential information that statements had been made in authoritative quarters that His Majesty's Government had consented to the proposed extension. Further, in the *Tidens Tegn*, which appeared yesterday morning, it was stated that the proposed law extending Norwegian territorial waters for customs purposes was to be submitted to the Cabinet Council to be held to-day. I therefore thought it advisable to ask Dr. Raestad to see me yesterday, and I then informed him that though I had no information as to the views of my Government, I thought it would be rash on his part to take it for granted that there would be no objection to the proposed extension on our part. I hoped that he would not attempt to create a *fait accompli*, and that he would leave time (?) visible, before attempting to put the proposed law into force. I explained that my object in speaking to him, as above reported, was merely to avoid the possibility of a dispute arising between our two countries. Dr. Raestad thanked me for what I had said, and added that his position was mainly based upon precedents furnished by our own Hovering Acts, by the Customs Commercial Consolidation Act, and by various decisions of eminent British Judges, such as Lord Stowell. He lent me a copy of a book written by himself on the subject, and of various excerpts from other works, and has promised to send me further literature connected therewith.

4. Dr. Raestad said that he entirely agreed that the three-mile limit should be universal for the purposes of war and neutrality, but held that different limits were justified for the purposes of fishing and customs.

5. Dr. Raestad assured me that he would be quite willing to discuss any views which might be put forward by His Majesty's Government, but that in view of our own legislation he could not anticipate any serious objection. The smuggling of spirits from Germany and Denmark had assumed such proportions, that it was imperative to establish a wider control.

8. I trust that Your Lordship may approve the warning addressed to Dr. Raestad, and I should be glad if I could be furnished, even provisionally, with the views of His Majesty's Government as regards the proposed extension of Norwegian territorial waters for customs purposes.

9. I am sending copies of this despatch to His Majesty's Representatives at Stockholm and Copenhagen.

I have, &c.,

M. DE C. FINDLAY.

P.S.—Since dictating the above despatch I have received from Dr. Raestad copy of a publication giving a quotation from the Customs Laws Consolidation Acts, 39 & 40 Vic. Chapter XXXVI., Article 134, from which it would appear that customs officials are only empowered to inspect or seize British vessels within three leagues of the coast, and that in the case of vessels not of British nationality, the limit within which such inspection may take place is that of three miles; consequently this precedent on which Dr. Raestad appeared to reply does not seem applicable.

M. DE C. FINDLAY.

The Most Honourable

The Marquess Curzon of Kedleston, K.G., &c., &c., &c.

Enclosure 8 in No. 248.

TELEGRAM FROM SIR M. FINDLAY (CHRISTIANIA).

(Received in Foreign Office 11.20 a.m., 4th October, 1921.)

(No. 108.)

3RD OCTOBER. My despatch of 22nd September, No. 390. Bill regarding extension of Norwegian territorial waters having passed through Parliament, has received Royal assent.

(3) Surinam: Admission of Foreign Warships.

43770

No. 249.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 31st August, 1921.

I AM directed by Mr. Secretary Churchill to refer to the letter from the Admiralty of the 5th August* (a copy of which has been sent to this Department), relative to the Dutch laws and regulations governing the admission of foreign warships into the territorial and inland waters of Surinam, and to request you to inform the Marquess Curzon of Kedleston that he wishes to offer the following observations on the remarks made by the Lords Commissioners of the Admiralty with regard to Article I (a) and (b) of the Decree:—

(a) It will be remembered that in connexion with the Spitzbergen Treaty, the Canadian Government, in their telegram of the 12th February, 1920† (a copy of which was forwarded in the letter from this Department of the 13th February, 1920‡), demurred to the proposal that the Treaty should be signed with a formal declaration that His Majesty's Government would not recognize any limit of territorial waters other than the three-mile limit, if the declaration was to be interpreted as applying to waters outside the areas affected by the Treaty.

(b) The statement of the Lords Commissioners of the Admiralty does not take into account the position with regard to bays in North America, in which connexion I am to refer to pages 19 to 23 of Parliamentary Paper [Cd. 5396] containing the Award of the Permanent Court of International Arbitration at the Hague in the North Atlantic Coast Fisheries Arbitration. In relation to this matter, it will be remembered that, with the concurrence of the Secretary of State for Foreign Affairs and of the Canadian Government, the Secretary of State informed Sir A. Williamson in the House of Commons, on the 31st May, 1921,§ that the answer to his question whether any area of the estuary of the St. Lawrence, or Gulf of St. Lawrence, situated further than three miles from the nearest land is regarded by the Government as being within territorial waters, was in the affirmative.

(c) It is not understood why Their Lordships should object to the provisions of the Decree relating to bays, seeing that they are based on the rule adopted in the North Sea Convention, to which this country and the Netherlands are parties, and followed to a certain extent by the North American Fisheries Tribunal (see [Cd. 5396], referred to above). The rule was also followed in Article XXII of the Agreement with Germany, of the 11th March, 1913, respecting the frontier between Nigeria and the Cameroons, from Yola to the sea, and The Regulation of Navigation on the Cross River, printed in Treaty Series No. 13 of 1913 ([Cd. 7056]).

2. A copy of this letter has been sent to the Admiralty.

I am, &c.,

G. GRINDLE.

* The relevant extract from this letter was as follows:—

My Lords take exception to the following Articles

[The Articles ran as follows:—

Article I.

Definitions of terms occurring in this decree:—

(a) "The territorial waters": the coastal waters up to a distance of three nautical miles from low water line; as regards the bays, the distance of three miles is measured from a straight line drawn across the bay as near as possible to the entrance at the first point where the width of the bay does not exceed ten nautical miles.

(b) "The inland waters": the water lying within the said ten miles line.]

in the Royal Decree dated 11th June, 1920, and request that if you see fit their objections may be communicated to the Dutch Government.

Article I (a) and (b).

The British Government only recognize territorial waters as extending three nautical miles from the land, and no jurisdiction outside these limits.

† No. 400 in Dominions No. 75.

‡ 8022: not printed.

§ See enclosure 1 in No. 247.

56866

No. 250.

ADMIRALTY to COLONIAL OFFICE.

(Received 1st October, 1921.)

[Answered by No. 251.]

SIR,

Admiralty, S.W.1, 1st October, 1921.

I AM commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they have had under consideration your letter of the 31st August,* addressed to the Foreign Office, relative to the Dutch regulations regarding visit of foreign warships to Surinam, copy of which was forwarded to the Admiralty with your letter of the 2nd ultimo,† and desire to offer the following observations.

2. The North Sea Convention, in which the ten-mile rule for bays was adopted, is purely a fisheries convention, applies only to the North Sea, and the only parties to it are Great Britain, France, Holland, Germany, and Denmark.

3. The agreement between Great Britain and the United States of America of 1912, based on the 1910 award of the Hague Tribunal, is also purely a fisheries agreement. This agreement adopted the ten-mile rule for bays in general, but defined special limits for a number of bays.

4. Article 22 of the 1913 Agreement with Germany regarding the Cameroons, fixed the line in the estuary of the Cross and Calabar Rivers from which the three-mile limit for general purposes was to be measured. This was, however, a special case, such as their Lordships are prepared to recognize, and does not affect the general rule.

5. The Canadian Government's telegram of 12th February, 1920,‡ in connexion with the Spitzbergen Treaty, referred to in paragraph (a) of your letter under reply, does not appear to have been sent to the Admiralty. Their Lordships would be glad to be furnished with a copy, as it would appear that the Canadian Government do not appreciate the Admiralty policy in this matter, and it may be desirable that some explanation be forwarded to them.

6. Their Lordships' view is that for general purposes the three-mile limit must be maintained, but that exceptions may be necessary as regards certain bays, estuaries, and straits. Their Lordships are not, however, prepared to agree to any general rule as regards bays, estuaries and straits, but consider that each case must be considered on its merits. It may be necessary also to agree, as has already been done, to exceptions for fishery purposes.

7. I am to add that although by treaty and special convention special measurements (such as the ten-mile line for bays) may have been admitted, they are not necessarily binding on non-signatory Powers. In this connexion I am to refer to a statement by a former Secretary of State for Foreign Affairs (Sir Edward Grey) in the House of Commons during a debate on the question of trawling in the Moray Firth. After admitting that there were qualifications of the three-mile limit in the case of bays, he stated that "they must be very careful how far they pressed this doctrine of the width of a bay. The qualified application of the doctrine, he thought, applied to bays with a very narrow entrance. But they must be very careful before they laid down an international doctrine on any particular bay. They must think of what the application of it might be in other parts of the world" (Hansard, Vol. 191, page 1771).

I am, &c.,

ALEX. FLINT.

49077

No. 251.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 9th November, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 1st October,§ relative to the Decree of the 11th June, 1920, regulating

* No. 249.

† 43770 L.F., forwarding copy of No. 249.

‡ No. 400 in Dominions No. 75.

§ No. 250.

the admission of foreign warships into the territorial and inland waters of the Dutch Colonies, and to request you to lay the following observations before the Lords Commissioners of the Admiralty:—

(a) The Decree generally recognizes the three-mile limit of territorial maritime jurisdiction. In the case of bays, however, it is provided that the three-mile limit is to be measured from a straight line drawn across the bay at the first point where the width of the bay does not exceed ten miles. The Lords Commissioners object to this provision, and have asked that their objection may be communicated to the Dutch Government, on the ground that "the British Government only recognize territorial waters as extending three nautical miles from the land, and no jurisdiction outside these limits." The Secretary of State felt it necessary, in view of the very general terms in which their Lordships' objection was expressed, to call attention to the special position with regard to bays in North America, and also to the attitude adopted by the Canadian Government in connexion with the declaration which it had been proposed to make at the time of the signature of the Spitzbergen Treaty. A copy of the correspondence* with the Canadian Government on the subject of the proposed declaration is enclosed.

(b) It is hardly within the competence of this Department to discuss the view expressed in the second paragraph of your letter as to the scope of the North Sea Convention, but it is presumed that the allusions to "territorial waters" in the Preamble, Articles I and II, and in the second Protocol, are elements to be taken into consideration.

(c) While it is the case, as stated in paragraph 3 of your letter, that the Anglo-American Agreement of the 20th July, 1912, which gave effect to the award of the Hague Tribunal in 1910, relates only to the fisheries, it must be borne in mind that the award of the Hague Tribunal was to a large extent based on the territorial jurisdiction exercised over bays in North America by both parties. That the considerations which led the Tribunal to adopt the ten-mile rule were of a general nature is apparent from page 22 of Parliamentary Paper [Cd. 5396] containing the award of the Tribunal. Further, it should be recalled that when in the negotiations with the French Government in regard to the policing of the joint fishery on the Treaty Coast of Newfoundland it became necessary to seek to define the limits of territorial waters within which the regulations were to apply, His Majesty's Government asserted the headlands doctrine, and the French were willing to adopt the ten-mile rule for bays.

(d) The principle laid down in the first sentence of paragraph 7 of your letter is fully recognized, and it seems very desirable that it should be borne in mind when His Majesty's Government contemplate making general statements to foreign Powers in order that no ground may be given for questioning arrangements to which His Majesty's Government themselves are parties.

2. A copy of the correspondence is being sent to the Foreign Office.

I am, &c.,

G. GRINDLE.

TURKEY.

Treaty of Peace (Sèvres).
(Treaty Series 1920, No. 11.)
Proposed Modification.

10343/S

No. 252.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.30 p.m., 1st March, 1921.)

TELEGRAM.

[Answered by Nos. 253, 254, 255 and 258.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

1st MARCH. Following for Prime Minister:

Begins: After prolonged discussions with the Greek and Turkish Delegations the Conference of the Allies sitting in London made an offer to

* Nos. 400 and 401 in Dominions No. 75.

these Delegations to refer to an International Commission the question of the nationality of the population of Smyrna and Eastern Thrace, the facts of which were disputed by the Turks and Greeks, and Commission will be appointed by the Allies with instructions to examine into the figures both before and since the War, and to proceed without delay with its investigations on the spot, on the clear understanding, which shall be accepted by both parties, namely, by the Turks and by the Greeks—

(a) that they will accept the results of such an arbitration;

(b) that the remaining clauses of the Treaty of Sèvres shall remain unaltered, and that they shall be loyally accepted both by Greece and by Turkey. Owing to a complete change in the position, however, the clauses relating to Kurdistan and Armenia are an exception to this. Supplementary conditions are attached to this proposal as follows:—

(1) There shall be an immediate cessation of hostilities between the parties concerned;

(2) There shall be an exchange of prisoners between all the parties concerned on conditions to be examined and laid down;

(3) Guarantees shall be given for the security of the minority populations in Turkish and Greek territories in the interval before the final conclusion of peace.

This proposal has been referred to Athens by the Greek Delegation. While accepting the proposal for an inquiry into the population of Eastern Thrace and Smyrna, as well as the decision of that inquiry, the Turkish Delegation have referred the question of whether they can accept the remaining clauses of the Treaty of Sèvres to Angora.

Should the proposal be accepted by the Turkish and Greek Governments it will be embodied in a Protocol to be signed by all the interested parties. The Protocol ought to be signed on behalf of the Dominions which signed the Treaty of Sèvres as it modifies that Treaty. We should be glad if your Government would designate someone to sign on their behalf if proposal is acceptable to them. *Ends.*

—CHURCHILL.

10593/S

No. 253.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.15 p.m., 3rd March, 1921.)

TELEGRAM.

(Paraphrase.)

3RD MARCH. With reference to your telegram of 1st March* with regard to Protocol modifying Sèvres Treaty, my Prime Minister states that High Commissioner for South Africa in London should sign on behalf of this Dominion. He requests that you will acquaint Sir R. Blankenberg of this decision.—ARTHUR FREDERICK.

10742

No. 254.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.15 p.m., 4th March, 1921.)

TELEGRAM.

SECRET. 4th March. Following from my Prime Minister:—

Begins: Your telegram 1st March* concerning discussions with Greeks and Turks and modification of Treaty of Sèvres. I am authorizing High Commissioner for Canada to sign Protocol on behalf of Government of Canada. *Ends.*

—DEVONSHIRE.

* No. 252.

11932

No. 255.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.35 a.m., 11th March, 1921.)

TELEGRAM.

[Answered by No. 257.]

11TH MARCH. Your telegram 1st March.* Can you indicate probable date of signing Protocol modifying Treaty of Sèvres?—FORSTER.

12557/S

No. 256.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 10.30 p.m., 11th March, 1921.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

11TH MARCH. With reference to my telegram of 1st March,* following for your Prime Minister:—

Begins: The offer which Allies made for the appointment of an International Commission though accepted with qualifications by Turkey was not accepted by Greece. Allies intend, as result of further discussions at Allied Conferences and interviews with Turkish and Greek delegates, to put forward at meeting which is to be held to-morrow proposals in relation to the present disputes between Turks and Greeks, of which the following are the most important:—

(1) Facilitation of admission to League of Nations of Turkey on receipt of proof of Turkey's readiness to execute the Treaty as modified, and withdrawal of menace to expel Turkey from Constantinople in certain contingencies.

(2) Increase of Turkish forces to 45,000 gendarmerie, and 30,000 "special elements."

(3) In regard to the Straits considerable reduction of the demilitarized zone which would be limited to (a) Peninsula of Gallipoli and Marmora coast up to Rodosto; (b) from Tenedos to Karabiga on Asiatic coast of Dardanelles; (c) to depth of 20 or 25 kilometres on two shores of Bosphorus; (d) to islands commanding Dardanelles in Aegean and Marmora.

(4) Rapid evacuation of Constantinople and Ismid Peninsula, and Allied occupation to be limited to Chanak and Gallipoli.

(5) Financial Commission to be placed under Turkish Finance Minister as honorary President, and participation by Turkey in Financial Commission by means of delegate with vote on internal finances of Turkey and consultative voice in matters affecting financial interests of Allies.

(6) In regard to grant of concessions Ottoman Government to regain its liberty.

(7) As regards Kurdistan modifications of Treaty in conformity with existing facts subject to adequate protection of Assyro-Chaldean and Kurdish interests.

(8) Present stipulations of Treaty to be adapted as to Armenia on condition of Turkey recognizing Turkish Armenians' right to a national home on eastern frontiers of Turkey in Asia and agreeing to accept

* No. 252.

decisions of Commission to examine question of territory equitably to be transferred to Armenia for this purpose appointed by League of Nations.

(9) Proposal of equitable compromise as regards Smyrna, viz., (a) region called Vilayet of Smyrna to remain under Turkish sovereignty. (b) In Smyrna town Greek force to be maintained but order to be maintained in rest of Sanjak by gendarmerie with Allied officers and recruited in proportion to distribution and numbers of population. (c) Same proportional arrangement to apply to administration. (d) Christian Governor with Elective Assembly and Council to be appointed by League of Nations. (e) In five years arrangements to be open to review on demand of either party by League of Nations. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

11932

No. 257.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.40 p.m., 17th March, 1921.)

TELEGRAM.

YOUR telegram 11th March.* Not proposed to proceed with Protocol originally proposed for modifying Turkish Treaty. If further Protocol drawn up as result of proposals in my telegram 11th March† you will be informed, but there must be delay of some weeks.—SECRETARY OF STATE FOR THE COLONIES.

18133

No. 258.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.49 a.m., 14th April, 1921.)

TELEGRAM.

14TH APRIL. With reference to your telegram of 1st March,‡ Government of New Zealand desire to nominate His Majesty's Representative to sign Protocol of Greek and Turkish Treaty on behalf of New Zealand.—JELlicoe.

UNITED STATES.

- (1) Real and Personal Property Convention, 1899. Accession of Canada.
Position of British Subjects under Treaties.

(Treaty Series, 1922, No. 10.)

10998

No. 259.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th March, 1921.)

[Answered by No. 260.]

(No. 118.)

SIR, I HAVE the honour to transmit, herewith, for your information, a copy of a despatch which I have addressed to His Majesty's Chargé d'Affaires at Washington, enclosing copies of an Approved Minute of the Privy Council for Canada

* No. 255

† No. 256.

‡ No. 252.

requesting that the Government of the United States be approached with a view to arranging for adherence on behalf of the Dominion to the Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 259.

(No. 39.)

SIR,

Government House, Ottawa, 22nd February, 1921.

With reference to Sir Auckland Geddes's despatch No. 312, of the 17th August, 1920, on the subject of the Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property, I have now the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada requesting that the Government of the United States be approached with a view to arranging for adherence on behalf of the Dominion.

I have, &c.,

DEVONSHIRE.

His Majesty's Chargé d'Affaires,
British Embassy,
Washington.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 16TH FEBRUARY, 1921.

(P.C. 395.)

THE Committee of the Privy Council have had before them a Report, dated 9th February, 1921, from the Secretary of State for External Affairs, to whom was referred a despatch, dated the 15th March, 1920, from His Majesty's Chargé d'Affaires at Washington,† transmitting copy of a note from the State Department, inquiring whether the Government of Canada is disposed to adhere to the Convention concluded on the 2nd March, 1899, between Great Britain and the United States with regard to the tenure and disposition of real and personal property.

The Minister states that in his judgment it would be advisable to approach the Government of the United States with a view to arranging for adherence on behalf of the Dominion, as he is of opinion that this is a treaty to which Canada in the general interest ought to adhere.

The Committee, concurring, advise that Your Excellency may be pleased to forward a copy of this Minute, if approved, to His Majesty's Ambassador at Washington, and also to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

16672

No. 260.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7th April, 1921.)

[Answered by No. 261.]

SIR,

Foreign Office, S.W.1, 6th April, 1921.

WITH reference to your letter of the 21st May last,* relative to a suit in the United States Courts in connexion with the estate of Margaret Ingoldsby, I am directed by Earl Curzon of Kedleston to transmit, herewith, copies of despatches Nos. 210 and 254 from His Majesty's Ambassador at Washington, giving the result of this case upon appeal in the Supreme Court of the United States. It will be seen from the former despatch that the Canadian Government have now requested

* No. 483 in Dominions No. 75.

† Enclosure in No. 431 in Dominions No. 75.

His Majesty's Ambassador to take the necessary steps to arrange for the adherence of the Dominion to the Convention of 2nd March, 1899. From the printed decision of the Supreme Court it would appear that the United States Government are prepared to accede to this request.

2. The present decision of the Supreme Court settles, as far as the municipal law of the United States is concerned, any question of the right of Canadian British subjects to claim the benefits of the Convention of 1899, until such time as Canada shall have acceded to that Convention. The only means of questioning this decision of the Supreme Court would be by arbitration, which, as it is a question relating to the interpretation of a treaty, might be claimed under the Arbitration Convention of 4th April, 1908, which was renewed in 1918. There is, however, the danger that, should the arbitral decision in this particular case be unfavourable to the view of His Majesty's Government, which is by no means impossible, the principle for which His Majesty's Government has contended since the year 1899, in conformity with the Law Officers' Opinions of that year,* would have to be finally abandoned.

3. Should the United States, as would appear probable, accede to the request of the Dominion of Canada to adhere to the Convention, the question, as far as Canada is concerned, will be disposed of and, so far as the principle is concerned, the decision of the Supreme Court, although of great weight, is not technically binding upon His Majesty's Government as an arbitral decision would undoubtedly be. For these reasons it would appear inadvisable to request arbitration, and Lord Curzon is disposed, subject to the concurrence of the Colonial Office, to request Sir A. Geddes to take no further step towards obtaining a reconsideration of the decision.

4. Sir A. Geddes has asked for a telegraphic reply to the question raised in his despatch No. 210, and I am to request that any observations the Colonial Office may desire to make may be transmitted as soon as possible.

I am, &c.,

R. SPERLING.

Enclosure 1 in No. 260.

(No. 210.)

MY LORD,

British Embassy, Washington, 28th February, 1921.

WITH reference to Your Lordship's despatch No. 643, of 7th June last,† I have the honour to transmit herewith a copy (the only one at present in my possession) of the printed opinion of the United States Supreme Court in the case of *Sullivan et al. versus Jane Kidd*.

It will be seen that the Supreme Court rejects the opinion laid down by Lord Salisbury in the despatches to His Majesty's Ambassador at Tokyo which formed the enclosure to Your Lordship's despatch under reply, to the effect that a provision such as that contained in Article 4 of the Convention of 2nd March, 1899, does not have the effect of limiting the rights assured to British subjects generally, by such a Convention.

The opinion further rejects the argument that the insertion of the "Most-Favoured-Nation" clause in Article 5 of the Convention is in itself sufficient to entitle Canadian citizens to inherit the real estate in those States of the Union where they are not debarred by the State Law from so inheriting or, alternatively, to benefit by the provisions of Article 1 of the Convention.

I should accordingly be glad to be informed whether I am authorized to make diplomatic representations with a view to securing the rehearing of this case on the ground of the interpretation to be placed either on Article 4 or on Article 5 or on both these Articles.

In the meantime, the Government of the Dominion of Canada have now requested me to approach the United States Government with a view to arranging for the adherence of the Dominion to the Convention of 2nd March, 1899, and I am taking the necessary steps to this end.

A copy of this despatch is being sent to Canada.

I have, &c.,

A. C. GEDDES.

The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

* See Law Officers' Opinions Series, Vol. V., Nos. 206a, 232a, and 236a.
No. 434 in Dominions No. 75.

† Enclosure in

Enclosure 2 in No. 260.

MY LORD,

Washington, D.C., 11th March, 1921.

WITH reference to my despatch No. 210, of 28th February, respecting the case of *Sullivan et al. versus Jane Kidd*, I have the honour to transmit, herewith, three copies of the printed opinion of the United States Supreme Court.

I venture to draw Your Lordship's attention to the fact that the petition for rehearing of this case has been denied by the Supreme Court of the United States of America.

I have, &c.,

MAURICE PETERSON
(For the Ambassador).

The Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

SUPREME COURT OF THE UNITED STATES.

No. 65.—OCTOBER TERM, 1920.

Bartholomew Sullivan, Margaret Tholen,	} Appeal from the District Court of the United States for the District of Kansas.
John Martin <i>et al.</i> , Appellants,	
<i>vs.</i>	
Jane Kidd.	

[3rd January, 1921.]

MR. JUSTICE DAY delivered the opinion of the Court.

This is an appeal from a decree of the United States District for the District of Kansas. It involves the construction of the Treaty between Great Britain and the United States of 2nd March, 1899, relating to the tenure and disposition of real and personal property. *Compilation of Treaties in Force 1904*, 375 (Malloy): 31 Stats. U. S. 1939.

The case arises from the following facts:

Peter Martin died at Osawatimie, Kansas, 29th January, 1915, owning real estate situated in the county of Saline, Kansas. He left surviving him certain relatives, among others a sister Margaret Ingoldsby, a resident of the township of Sheffield, County of Lennox-Addington, Province of Ontario, Canada. After the death of Peter Martin, and on 28th July, 1916, Margaret Ingoldsby died at her home in Canada, and by her last will and testament, duly probated, she named the appellee, Jane Kidd, her sole devisee and legatee. The real estate in Kansas has been sold in partition sale, and the question to be decided is whether Jane Kidd, thus holding by devise the interest of Margaret Ingoldsby, is entitled to succeed to the undivided one-seventh of the estate of Peter Martin.

Primarily the devolution of the estate, it being situated in the State of Kansas, would be determined by the laws of that State. *Blythe v. Hinckley*, 180 U. S. 333, and previous cases in this court cited and quoted on page 341 *et seq.* Under the Constitution and laws of Kansas Margaret Ingoldsby, an alien, was incapable of inheriting, and the estate would pass to the brothers and sisters and their representatives who were native citizens. *Johnson v. Olson*, 92 Kans. 819.

The right of Jane Kidd to succeed to the interest of Margaret Ingoldsby is said to arise from the fact that the latter was, although a citizen and resident of Canada, a British subject, and entitled to the succession because of the Treaty of 2nd March, 1899. The District Court sustained this contention. Pertinent provisions of the Treaty are:

"ARTICLE I.

"Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land pass to a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens or subjects of the country from which such proceeds may be drawn.

"ARTICLE II.

"The citizens or subjects of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies shall be liable to pay in like cases.

"ARTICLE IV.

"The stipulations of the present Convention shall not be applicable to any of the Colonies or foreign possessions of Her Britannic Majesty unless notice to that effect shall have been given, on behalf of any such Colony or foreign possession by Her Britannic Majesty's Representative at Washington to the United States Secretary of State, within one year from the date of the exchange of the ratifications of the present Convention.

"It is understood that under the provisions of this Article, Her Majesty can in the same manner give notice of adhesion on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the 4th of June, 1878, between Great Britain and Turkey.

"The provisions of this Convention shall extend and apply to any territory or territories pertaining to or occupied and governed by the United States beyond the seas, only upon notice to that effect being given by the Representative of the United States at London, by direction of the treaty-making power of the United States.

"ARTICLE V.

"In all that concerns the right of disposing of every kind of property, real or personal, citizens or subjects of each of the High Contracting Parties shall in the Dominions of the other enjoy the rights which are or may be accorded to the citizens or subjects of the most favoured nation.

"ARTICLE VI.

"The present Convention shall come into effect ten days after the day upon which the ratifications are exchanged and shall remain in force for ten years after such exchange. In case neither of the High Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of ten years, of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

"The United States or Her Britannic Majesty shall also have the right separately to terminate the present Convention at any time on giving twelve months' notice to that effect in regard to any British Colony, foreign possession, or dependency, as specified in Article IV, which may have acceded thereto."

The case was argued and submitted at the last term of this court. It was ordered reinstated with notice to the Attorneys-General of the United States and of the State of Kansas. The case has been reargued. The Solicitor-General presented the views of the State Department of the United States, and submitted a brief in behalf of the Government.

There are opposing views of the treaty, one taken by the British, and the other by the American Government. The view of the former being that British subjects, resident of Canada, or elsewhere, are entitled to inherit property in any State of the United States, and citizens of the United States are entitled to inherit in Great Britain and its possessions and colonies, provided as to the latter, that notice has been given under Article Four of the treaty of adhesion to the terms of the convention as to such colonies and possessions. The American contention is stated by the Solicitor-General, and appears by a communication from the Secretary of State of 2nd October, 1920, sent in response to the invitation of the Solicitor-General, and now on the files of the Department of Justice. The Secretary of State sets forth that it is the view of this Government that British subjects, citizens and residents of Canada do not inherit in the United States by virtue of the stipulations of the treaty, because as to the Dominion of Canada no notice of adhesion to the same has

been given as is required by the stipulations of Article Four. It hence appears that the one contention is that the requirement of notice in Article Four has a territorial effect only, and when given brings such territory into the operative force of the treaty as to the property situated therein; the other, that as to subjects and citizens, the notice is required to bring residents and property within the operative effect of the treaty.

Applied to the concrete case, the American contention is that Margaret Ingoldsby was not entitled to inherit in Kansas by the terms of this treaty because notice of adherence for the Dominion of Canada was not given. The communication of the State Department to the Solicitor-General shows that the American Government is ready, and has expressed its willingness to take up the matter of extending the treaty provisions to the Dominion of Canada, notwithstanding the fact that the stipulated time for notice has expired.

Writers of authority agree that treaties are to be interpreted upon the principles which govern the interpretation of contracts in writing between individuals, and are to be executed in the utmost good faith, with a view to making effective the purposes of the high contracting parties; that all parts of a treaty are to receive a reasonable construction with a view to giving a fair operation to the whole. Moore, *International Law Digest*, Vol. 5, 249. At the time of the negotiation of the treaty Great Britain had numerous colonies and possessions, and the United States had recently acquired certain islands beyond the seas. Concerning these the contracting parties made the stipulations contained in Article Four, adding the right to give like notice in behalf of any British protectorate, or sphere of influence, or on behalf of the Island of Cyprus by virtue of the Convention of 4th June, 1878, between Great Britain and Turkey. As to the islands beyond the seas occupied or governed by the United States, they were to come within the terms of the treaty only upon notice to that effect by direction of the treaty-making power of the United States.

If the contention of the appellee be correct, it necessarily follows that as to British possessions, the inhabitants thereof being British subjects, had nothing to gain by giving notice which Article Four specifically required, for as to them their rights had been secured by Articles One and Two of the Treaty. Applying this construction to the instant case, Canadians while residents of the Dominion, and citizens of a self-regulating and self-governing community, acquired by virtue of this treaty as British subjects the right to inherit in every State of the American Union regardless of local laws; this while citizens of the United States acquired no corresponding right to inherit in the Dominion of Canada until notice be given; a matter entirely beyond the control of American authority. The American right to inherit in Canada became a matter of grace on the part of the other contracting nation when it saw fit to grant it by signifying its adhesion to the treaty. Such construction is inconsistent with the general purpose and object of such conventions to secure equality in exchange of privileges and reciprocity in rights granted and secured. *Geoffrey v. Riggs*, 133 U. S. 258, 271.

The fact that Canada as a self-governing dependency, in the exercise of the legislative power which is hers, has seen fit to give aliens the right to inherit, adds nothing to the argument in favour of the appellee. The Dominion of Canada has not the treaty-making power. Whatever the Dominion may see fit to do in the exercise of its own legislative authority cannot affect the right of a State of the American Union to determine for herself whether aliens shall inherit property within her borders. The construction insisted upon by the United States makes for the exchange of reciprocal rights under the provisions of the treaty, and when the required notice is given, British subjects resident of Canada would have property rights in the United States similar to those accorded citizens of the United States in Canada. That notice was deemed essential to the security of rights of British subjects, resident of the colonies, is shown by the practice which has followed the making of the Supplementary Convention of 1902 (*Treaties in Force* 1904, 379; 32 U. S. Stats. p. 1864) extending for twelve months from 28th July, 1901, the time fixed in Article Four of the Treaty of 2nd March, 1899, for the notification of accession to that Convention by British colonies or foreign possessions. In a note to this treaty, published in *Treaties in Force* 1904, *supra*, it appears that most of the British colonies and possessions have given notice of adhesion to the Treaty of 1899.

The significance of Article Six is important. In this Article provision is made for the right of the United States or the British Government to terminate separately

the Convention by twelve months' notice to that effect in regard to any British colony, foreign possession or dependency, as specified in Article Four, which may have acceded to the convention. This article lends strong support to the argument that only colonies or possessions which accede to the convention are to have the benefit thereof; such rights, recognized as acquired by accession, being subject to termination by the withdrawal provision of Article Six.

Nor are we impressed with the argument that Canadian citizens, being also British subjects, are entitled to inherit in Kansas by virtue of the most-favoured-nation clause. That clause has been held in the practice of this Country to be one not extending rights acquired by treaties containing it because of reciprocal benefits expressly conferred in conventions with other nations in exchange for rights or privileges given to this Government. This clause cannot overcome the specific provisions of Article Four making adhesion to the treaty necessary in order to bring citizens and property of colonies and possessions within the benefits of the treaty.

We are unable to see that the construction of this treaty is aided by the argument of counsel in the supplemental brief of the appellee that Lord Salisbury for the British Government insisted upon the construction which they contend for in relation to a similar Convention with Japan. We find nothing in the archives of the Department of State to show that this insistence was brought forward in the course of negotiations or in any manner came to the attention of the American Representative, Mr. Hay, who negotiated this treaty with Sir Julian Pauncefote, the British Representative.

The American Government upon a message from the President for the purpose of securing the consent of the Senate, as we learn from public documents on file in the State Department, has with the consent of the Senate extended the provisions of the Convention of 1899 to Porto Rico and has so notified the British Government. We are advised by the letter of the Secretary of State of 2nd October, 1920 (on file in the Department of Justice), that this Government is ready to take up with the British Government the matter of extension of the treaty provisions to Hawaii and the Dominion of Canada.

While the question of the construction of treaties is judicial in its nature, and courts when called upon to act should be careful to see that international engagements are faithfully kept and observed, the construction placed upon the treaty before us and consistently adhered to by the Executive Department of the Government, charged with the supervision of our foreign relations, should be given much weight. *Charlton v. Kelly*, 229 U. S. 447, 468. See also *Castro v. De Uriarte*, 16 Fed. 93, 98 (opinion by Judge Addison Brown).

Taking the view which we have here expressed of the real purpose of the treaty as evidenced by its terms, which is strengthened by the practices of both Governments in pursuance of it, we reach the conclusion that for lack of notice of the adhesion of Canada to the terms of the treaty, the law of Kansas was not superseded in favour of British subjects resident in Canada, and it determined the right of aliens to inherit lands in that State.

Reversed.

A true copy.

Test:

Clerk Supreme Court, U.S.

16672

No. 261.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 7th May, 1921.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 6th April* relative to the Judgment of the Supreme Court of the United States by which it has been held that, in consequence of Canada not having adhered to the Real and Personal Property Convention with the United States of the 2nd March, 1899, a British subject resident in Canada is not entitled to the benefits which the Convention confers on British subjects generally.

2. Following on the advice given by the Law Officers of the Crown in 1899 and 1911,† His Majesty's Government have adopted, as a settled policy, the view that

* No. 260. † Law Officers' Opinions Series, Vol. V., Nos. 206a, 232a, and 236a, and Vol. VII, No. 137.

where a Treaty confers rights on British subjects generally, those rights enure to the benefit of all British subjects even if connected with a part of the Empire which has not adhered to the Treaty. The principle involved is one of the highest importance, and the position to which the Judgment gives rise calls for the most careful examination.

3. The Real and Personal Property Convention with the United States applies to the greater part of the Empire, and both the United States and Canada are agreed that the Convention should be applied to the Dominion. It may be that the possibility of the Convention being of interest to other parts of the Empire (e.g., Natal) which have not adhered to it may be ignored, and that there may be no other Canadian cases pending or maturing which will be affected by the Judgment, but acquiescence in the Judgment would mean not only dropping the actual claim to which it relates (a decision which would require consultation with the Canadian Government) but also accepting the general principle on which the Supreme Court has proceeded. In this connexion special importance attaches to the argument drawn by the Court from the power of the Dominions and Colonies to withdraw separately, a feature now to be found in all modern Commercial Treaties.

4. Mr. Churchill would suggest that the first step to be taken should be to request His Majesty's Ambassador at Washington by telegraph to forward at the earliest possible opportunity all information available as to the arguments used on both sides before the Supreme Court, including the brief and arguments submitted on behalf of the United States Government. When this information has been obtained, he would propose that the Law Officers of the Crown should be requested to advise as to the action to be taken in view of the Judgment of the Supreme Court. If Earl Curzon of Kedleston concurs in this proposal, there will be no need to discuss at present the expediency or otherwise of proposing arbitration to the United States Government. It may, however, be remarked that the Real and Personal Property Convention with the United States affords in one respect favourable, and in another unfavourable, ground for a discussion of the general principle: favourable, because the "Colonial" Article in the Convention is bilateral, and unfavourable, because this is a rare type of Convention, under which, on the view hitherto held by His Majesty's Government, no loss of rights follows from non-adherence. The ordinary Treaty of Commerce confers a large measure of rights which are lost even on that view by non-adherence or withdrawal.

5. It would be desirable that the reference to the Law Officers should be as comprehensive as possible, and that they should accordingly be asked to advise not only with regard to the position under Treaties conferring rights or imposing obligations on British subjects generally of British subjects connected with parts of the Empire to which the Treaty does not extend geographically, but also with regard to the position under Treaties referring to British ships generally of British ships registered in a part of the Empire to which the Treaty does not extend geographically.

6. A Bill recently introduced into the Canadian Parliament for the purpose of defining "Canadian nationals" appears to have an important bearing on the question raised by the Judgment of the Supreme Court. A letter* will shortly be addressed to you with regard to this Bill, and Lord Curzon will probably agree that the attention of the Law Officers should be specially drawn to it in the proposed reference.

7. Mr. Churchill notes that at the request of the Canadian Government Sir A. Geddes is approaching the United States Government with a view to arranging for the adhesion of Canada to the Real and Personal Property Convention. He would be glad to have the text of any communication which Sir A. Geddes makes to the United States Government in this connexion. Should it appear that a special Convention will be necessary for the purpose, it may be desirable in the circumstances that it should be so drawn as to enable any other part of the Empire not at present a party to the Convention to adhere to it.

I am, &c.,

HENRY LAMBERT.

* No. 48 in Dominions No. 66.

27108

No. 262.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 1st June, 1921.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from Sir A. Geddes (Washington) on the subject of the Real and Personal Property Convention of 1899.

Foreign Office,
30th May, 1921.

Reference to previous correspondence: Colonial Office letter of 18th March.*

Enclosure in No. 262.

(No. 460.)

SIR, British Embassy, Washington, 11th May, 1921.
I HAVE the honour to transmit to you, herewith, copies of a Department of State despatch of 28th April, 1921, on the subject of the adherence of the Dominion of Canada to the Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property.

I have, &c.,
(for the Ambassador).
H. G. CHILTON.

His Majesty's
Principal Secretary of State
for Foreign Affairs.

Department of State, Washington, D.C.,
28th April, 1921.

EXCELLENCY, I HAVE the honour to acknowledge the receipt of your note of 1st March, 1920, in which you informed this Government that the Government of the Dominion of Canada desires to adhere to the Convention with regard to the tenure and disposition of real and personal property concluded by Great Britain and the United States on 2nd March, 1899, and in which you suggested that the necessary steps be taken to prepare for signature a supplementary convention which will give effect to the wish of the Canadian Government.

I have the honour to enclose, for the consideration of your Government, a draft of a supplementary convention which provides for the adherence of the Dominion of Canada to the Convention of 1899. The effect of such a convention would be to give to the Dominion of Canada the same right to adhere to the Convention of 1899 as was accorded by that Treaty to all British colonies and possessions. The draft convention fixes a period of one year from the date of the exchange of ratifications within which adherence may be given by Canada.

I should be grateful if your Government would consider the enclosed draft and inform me of their views with respect thereto. A convention could doubtless be concluded which, by its terms, would effect the adherence of the Dominion of Canada to the Convention of 1899 at once on the exchange of ratifications of the supplementary convention rather than by a subsequent act of adherence. If that procedure is deemed desirable by your Government, I should be glad if they would submit a draft of such a convention.

Accept, etc.,
CHARLES E. HUGHES.

His Excellency
The Right Honourable Sir Auckland Geddes, K.C.B.,
Ambassador of Great Britain.

* 10998: not printed; it transmitted copy of No. 259.

† See Treaty Series, 1922, No. 10.

32664

No. 263.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30th June, 1921.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of despatch No. 574, of 8th June, from His Majesty's representative at Washington and telegram No. 378 of 28th June,* to His Majesty's representative at Washington on the subject of the accession of Canada to the Real and Personal Property Convention between the United States and United Kingdom.

Foreign Office,
29th June, 1921.

Enclosure in No. 263.

(No. 574.)

SIR, British Embassy, Washington, 8th June, 1921.
I HAVE the honour to transmit to you, herewith, copies of Canada despatch No. 80 of 26th May, 1921, on the subject of the Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property.

I have, &c.,
(for the Ambassador).
H. G. CHILTON.

His Majesty's
Principal Secretary of State
for Foreign Affairs.

Reference: Washington despatch No. 460 of 11th May, 1921.

(No. 80.)

SIR, Government House, Ottawa, 26th May, 1921.
WITH reference to Your Excellency's despatch No. 149 of the 11th instant regarding the Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property, and transmitting a note received from the State Department with a draft supplementary convention providing for the adherence of this Dominion to the Convention of 1899, I have the honour to inform Your Excellency that my Government consider that it would be preferable to adopt the more direct procedure suggested by Mr. Hughes in the alternative. My Government, therefore, suggest that Article I of the draft submitted should be replaced by the following:—

"The provisions of the Convention of 2nd March, 1899, shall become applicable to the Dominion of Canada upon ratification of the present Convention in the manner provided by Article II hereof."

I have, &c.,
DEVONSHIRE.

His Excellency
The Right Honourable
Sir C. Auckland Geddes, K.C.B.

32945

No. 264.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30th June, 1921.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary

* Not printed: this telegram dealt with a proposal (afterwards abandoned) that the accession of Canada should be suspended in view of the possibility that the draft agreement might be extended to other parts of the Empire.

of State, transmits herewith copies of despatch No. 547 of 2nd June from His Majesty's representative at Washington on the subject of Sullivan *et al.* versus Jane Kidd.

Foreign Office,
30th June, 1921.

Reference to previous correspondence: Foreign Office letter of 19th May.*

Enclosure in No. 264.

(No. 547.)

My LORD, British Embassy, Washington, 2nd June, 1921.
WITH reference to Your Lordship's telegram No. 292 of 17th May,† I have the honour to transmit herewith the documents‡ noted in the margin referring to the case of Jane Kidd versus Bartholomew Sullivan *et al.*

Brief on behalf of Appellee.
Supplemental Brief on behalf of Appellee.
Petition for rehearing on behalf of Appellee.

I have applied to the Clerk of the Supreme Court in Washington for copies of further documents in connexion with this case, including the brief and arguments submitted on behalf of the United States Government, and I shall forward these as soon as they are received.

In the meantime, I am informed by His Majesty's Consul at St. Louis that the petition for judgment on the mandate of the Supreme Court came up for hearing in the District Court on the 16th inst., on which day an order was entered under which the property involved in the case was distributed. Any representations which it is now desired to make must therefore presumably be advanced through the diplomatic channel as suggested in my despatch No. 210 of 28th February.¶

I have, &c.,

A. C. GEDDES.

The
Earl Curzon of Kedleston, K.G.,
&c., &c., &c.

E4995

No. 265.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th November, 1921.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a despatch from His Majesty's Ambassador (Washington) on the subject of the Real and Personal Property Convention between the United States and Canada.

Foreign Office,
4th November, 1921.

Reference to previous correspondence: Colonial Office letter of 31st May, 1921.§

Enclosure in No. 265.

(No. 1109.)

My LORD, British Embassy, Washington, D.C., 21st October, 1921.
WITH reference to Your Lordship's telegram No. 434 of 16th July,|| I have the honour to report that the Convention between the United States and the Dominion of Canada concerning the tenure and disposition of real and personal property was signed by the Secretary of State and myself on 21st October.

* 24725: not printed; it enclosed a copy of a telegram asking the British Ambassador to forward all available information as to the arguments used before the Supreme Court.

† See * above.

‡ Not printed.

§ 24725: this dealt with the information which it was desired to obtain from the British Ambassador.

|| Not printed; it suggested certain textual alterations in the preamble to the Convention.

* Enclosure 1 in No. 260.

The original document is being forwarded to Ottawa by safe opportunity, and I will not fail to transmit to Your Lordship printed copies so soon as they are received from the State Department.

I have, &c.,

(for the Ambassador),

H. G. CHILTON.

The Marquis Curzon of Kedleston, K.G.,
&c., &c., &c.

54995

No. 266.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 680.)

My LORD, Downing Street, 30th November, 1921.

WITH reference to the Duke of Devonshire's despatch No. 118 of the 23rd February,* I have the honour to inquire whether it is the wish of Your Excellency's Ministers that His Majesty should ratify the Convention with the United States concerning the tenure and disposition of real and personal property, which was signed at Washington on the 21st October.

2. If so, the Secretary of State for Foreign Affairs would be obliged if the signed original text of the Convention, which was sent to Ottawa by His Majesty's Embassy at Washington could be forwarded to him with a view to the preparation of the instrument of ratification for submission to His Majesty.

I have, &c.,

WINSTON S. CHURCHILL.

57454

No. 267.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 685.)

My LORD, Downing Street, 2nd December, 1921.

WITH reference to my predecessor's despatch No. 419, of the 16th July, 1920,† I have the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a note from the United States Ambassador reporting the extension to the Hawaiian Islands of the provisions of the Convention of the 2nd of March, 1899, between the United States and Great Britain, relating to the tenure and disposition of real and personal property.

2. It has been ascertained that the extension is in force as from the date of notification, the 5th October, 1921.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 267.

(No. 215.)

My LORD, London, 5th October, 1921.

THE Senate of the United States of America, by resolution adopted on 7th March, 1921, having advised and consented to notice being given by the President

* No. 259.

† No. 438 in Dominion: No. 75

through the American Ambassador at London that the provisions of the Convention between the United States and Great Britain relating to the tenure and disposition of real and personal property, signed at Washington on 2nd March, 1899, are, by direction of the treaty-making power of the United States, extended and applied to the Hawaiian Islands, I have the honour to transmit herewith enclosed a notification of the extension to the Hawaiian Islands of the provisions of the said Convention.

I have, &c.,
GEORGE HARVEY.

The Most Honourable
The Marquess Curzon of Kedleston, K.G.,
&c., &c., &c.

By the instruction of his Government, the undersigned, the Ambassador of the United States of America, has the honour, in conformity with paragraph 3 of Article IV of the Convention between the United States and Great Britain relating to the tenure and disposition of real and personal property, signed at Washington on 2nd March, 1899, hereby to give formal notice to His Britannic Majesty's Government that the provisions of the said Convention are, by direction of the treaty-making power of the United States, from this date extended and applied to the Hawaiian Islands.

GEORGE HARVEY.

57454

No. 268.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Commonwealth of Australia. No. 477.)
(New Zealand. No. 244.)
(Union of South Africa. No. 393.)
(Newfoundland. No. 177.)

[MY LORD,] [SIR,]

Downing Street, 2nd December, 1921.

WITH reference to Mr. Bonar Law's despatch No. [990] [806] [1159] [711] of the 9th October, 1916,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a note from the United States Ambassador reporting the extension to the Hawaiian Islands of the provisions of the Convention of the 2nd of March, 1899, between the United States and Great Britain, relating to the tenure and disposition of real and personal property.

2. It has been ascertained that the extension is in force as from the date of notification, the 5th October, 1921.

3. I may add that, so far as is known, the Convention has not been applied to any of the overseas possessions of the United States other than Porto Rico and Hawaii, and would therefore not apply to the Philippine Islands, Guam, Samoa, the Panama Canal Zone and the Virgin Islands of the United States (formerly the Danish West Indies). Alaska, as non-contiguous territory, should, it is believed, also be included in the list of United States possessions to which the Convention does not apply.

I have, &c.,
WINSTON S. CHURCHILL.

* 48220: not printed; it notified the extension of the provisions of the Convention to Porto Rico.
† Enclosure in No. 267.

(2) Supplementary Extradition Convention.
(Treaty Series, 1922, No. 18.)

29254

No. 269.
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
[Answered by No. 270.]

(No. 326.)

MY LORD DUKE,

Downing Street, 22nd June, 1921.

WITH reference to Mr. Walter Long's despatch No. 428 of the 16th October, 1918,* I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a note from the United States Ambassador with regard to the ratification of the Supplementary Extradition Convention with the United States of America signed on the 15th January, 1917.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 269.

(No. 18.)

THE American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs and has the honour to inform Earl Curzon that by the Resolution of 27th April, 1921, the Senate of the United States gave its advice and consent to the ratification of the Convention between the United States and His Majesty's Government, signed at London, 15th January, 1917, making the wilful desertion or non-support of wife and children in the United States and Canada an extraditable offence, with the following amendment:

In Article 1 strike out the words "wife or" and before the word "children" insert the words, "Minor or dependent."

The effect of this amendment is to make the offence mentioned in Article 1 of the Convention, "wilful desertion or wilful non-support of minor or dependent children."

Mr. Harvey is instructed by his Government to ascertain whether this amendment is acceptable to His Majesty's Government and, if so, in what form or manner it would prefer to give effect to its acceptance—whether by the signature of a new Convention, the signature of a protocol, or by simply ratifying the Convention subject to the amendment and promulgation of the Convention in its amended form.

Mr. Harvey has, therefore, the honour to request that His Lordship will be good enough to present this matter to the appropriate authorities.
London, 28th May, 1921.

52710

No. 270.
CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.
(Received 24th October, 1921.)
[Answered by No. 271.]

(No. 618.)

SIR,

Government House, Ottawa, 11th October, 1921.

WITH reference to your despatch No. 326 of the 22nd June,† transmitting a copy of a note from the United States Ambassador regarding the ratification of the Supplementary Extradition Convention with the United States signed on the 15th January, 1917, touching the desertion of wives and children, I have the honour to inform you that the Canadian Government desires that this Convention may be ratified subject to the Senate amendment, considering that it will serve a useful purpose even when limited to wilful desertion or wilful non-support of minor or dependent children.

I have, &c.,
BYNG OF VIMY.

* 48339: not printed; it enclosed a copy of the Convention as signed, and stated that as the United States Senate had not yet acted on it, it was not possible to proceed with ratification.
† No. 269.

57602

No. 271.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 667.)

MY LORD,

Downing Street, 25th November, 1921.

WITH reference to Your Excellency's despatch No. 618 of the 11th October,* I have the honour to request you to inform your Ministers that, in the opinion of the Secretary of State for Foreign Affairs the amendments introduced into the Supplementary Extradition Convention with the United States, signed on the 15th January, 1917, will necessitate the signature afresh of the Convention in the amended form agreed upon. When this is done the ratifications can be exchanged in the customary manner.

2. I transmit, for the consideration of your Ministers, a proof of the Convention in its revised form. If the Canadian Government concur, the United States Ambassador will be invited to proceed to its signature with Lord Curzon.

I have, &c.,

WINSTON S. CHURCHILL.

(3) Sockeye Salmon Fisheries Convention, 1920.

Note.—The following information is supplementary to that contained in Nos. 439 and 440 of Dominions No. 75.

When the Convention was signed in September, 1919, some doubt arose as to whether it had been signed by Sir D. Hazen alone or in conjunction with His Majesty's Chargé d'Affaires at Washington, and on the 7th October, 1919, the Foreign Office addressed a letter to the Colonial Office (57676/19) containing the following passages:—

While the Full Powers, dated 31st March, 1918, already in Sir Douglas Hazen's possession, are doubtless sufficiently wide to enable him to sign the present Treaty, the point which arises is that, for the first time, a bilateral Treaty with a Foreign State, affecting one of His Majesty's self-governing Dominions, is signed by the delegate of the Dominion alone, and not in conjunction with His Majesty's accredited diplomatic Representative to such Foreign State. In Lord Curzon's view a matter of principle of some importance is thereby involved.

The negotiations for the conclusion of the Treaty would appear to have reached an end sooner than was anticipated, and it is presumed that the omission to notify this Department at an earlier date of its impending signature may be ascribed to this cause. But Lord Curzon considers that it would be desirable in the case of future Treaties of this nature with Foreign States that the hitherto existing practice should be observed, viz.: that the Treaty should be signed by His Majesty's diplomatic Representative to the Foreign State concerned, either singly or in conjunction with other specially appointed representatives, and he would be glad to learn that Lord Milner concurs in this view, in order that His Majesty's Ambassador at Washington may be so informed.

The reply returned to this letter was as follows (57676/19):—

SIR,

Downing Street, 11th October, 1919.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of 7th October, relating to the proposed signature by Sir Douglas Hazen of a Treaty with the United States regulating the reciprocal treatment of Canadian and United States fishing vessels in ports of the United States and Canada.

2. It will be remembered that the Governor-General of Canada in his telegram of the 21st March, 1918, of which a copy was enclosed in the letter from this Department of the 27th of March, asked that Sir D. Hazen should be given full powers to join with His Majesty's representative in signing any Treaty which might result from the negotiations being conducted at Washington. A special full

* No. 270.

power was accordingly prepared in the Foreign Office and was communicated to the Governor-General by despatch of the 3rd of May, 1918. A copy of this despatch is enclosed. It will be observed that it referred to the signature of Treaties by Sir D. Hazen in conjunction with His Majesty's Ambassador at Washington.

It would appear from Viscount Grey's telegram* that he was not aware that it was always contemplated that the Treaty should be signed by Sir D. Hazen in conjunction with the British Ambassador. Lord Milner would suggest that this should be pointed out to Viscount Grey by telegraph and that he should be asked to sign the Treaty along with Sir D. Hazen, if the transaction has not already been completed. The joint signature would seem the most desirable course.

At the same time Lord Milner is of opinion that, if Sir D. Hazen has in fact signed the Treaty alone, such action would be justified by the wording of the full powers granted to him, in view of which there was no constitutional reason why he should not be the sole signatory of the Treaty on behalf of His Majesty.

The general question, whether in future we should insist on all such Treaties being signed by His Majesty's diplomatic representative to the Foreign State concerned, is one which it would appear to Lord Milner better not to raise in the present connexion, in view of the wider issue raised by the Secretary of State's telegram of 3rd October.

I am, &c.,

H. LAMBERT.

It was subsequently ascertained that the Treaty had been signed by Sir D. Hazen in conjunction with His Majesty's Chargé d'Affaires.

Following on the correspondence printed in Dominions No. 75 (Nos. 439-440), His Majesty's Ambassador at Washington reported that difficulty had arisen in connexion with the ratification of the Convention by the United States owing to the attitude of the authorities of the State of Washington, who refused to have anything to do with the Treaty on the ground that matters relating to the policing of fisheries came within the jurisdiction of that State. The United States Secretary of State suggested that some way might be found of settling the matter direct between the State of Washington and the Province of British Columbia in the form of police regulations to be issued by the respective local authorities, but the Canadian Government pointed out that under the Canadian Constitution the Government of British Columbia had no jurisdiction in connexion with the regulation or administration of fishery questions. In the circumstances the Treaty was withdrawn from the United States Senate, and no further progress in the matter had been made up to the end of 1921.

(4) Proposed Convention dealing with Pollution of Boundary Waters.

A despatch No. 280 of the 9th May, 1921 (24690/21), was received from the Governor-General of Canada enclosing the draft of a Convention with the United States of America on the subject of the pollution of boundary waters. The preamble of the draft read as follows:—

"His Majesty the King of the United Kingdom of Great Britain and Ireland . . . and the United States of America . . . have appointed as their respective Plenipotentiaries:

His Britannic Majesty, on the advice of His Government of Canada, the Hon. . . ."

Article VII of the draft read: "The present Treaty shall be ratified by His Britannic Majesty, on the advice of His Government of Canada, and by the President of the United States of America by and with the advice and consent of the Senate thereof."

The words "on the advice of His Government of Canada" had been inserted in the draft by the Canadian Government.

The Foreign Office pointed out that the proposed insertion of these words raised a question of considerable constitutional importance, and on the 19th July, 1921, Mr. Churchill addressed the following letter to Mr. Meighen, the Prime Minister of Canada, who was in England:

* Enclosed in Foreign Office letter an extract from which is quoted above.

† (?) Viscount Grey's telegram.

MY DEAR MR. MEIGHEN,

Downing Street, 19th July, 1921.

I ENCLOSE a copy of a despatch which we have received from the Governor-General regarding a draft Convention between Canada and the United States relative to pollution in boundary waters.

May I call your attention to the amendments proposed by your Government, that His Majesty's Plenipotentiary should be appointed, and his Majesty's ratification effected, "on the advice of His Government of Canada"?

The introduction of a statement of the advice on which the King acts in dealing with the Head of a foreign state is not only, as far as I know, quite unprecedented, but seems to involve a misapprehension of the constitutional position. It is true that in internal affairs the King's action must be taken on the advice of a Minister or with the counter-signature of a Minister, but the reason for this must be that the Minister is constitutionally responsible and can be punished for wrong advice. No foreign sovereign, however, can possibly have any remedy against particular Ministers or be concerned with the advice tendered to the King. In constitutional theory, and in relation to a Foreign Power ratification is the personal act of the Sovereign.

I hope that on consideration you will agree that this is the only sound view and that you will authorize us to have the Treaty altered to the usual form.

Yours truly,

WINSTON S. CHURCHILL.

After Mr. Meighen's return to Canada, the matter was further considered by the Canadian Government, and on the 3rd October, 1921, the Governor-General addressed a despatch to the Secretary of State, No. 595 (50691/21) enclosing a Minute of Council which read as follows:—

THE Committee of the Privy Council have had before them a report, dated 22nd September, 1921, from the Secretary of State for External Affairs with reference to the Minute of Council of 30th April, 1921 (P.C.623) approving a draft Convention respecting the pollution of the boundary waters between Canada and the United States.

The Minister observes that it was therein proposed that the words "on the advice of His Government of Canada" should be inserted after the words "His Britannic Majesty" in the clause providing for the appointment of Plenipotentiaries, and that similar words should be inserted in the Article respecting ratification.

The Minister is advised that, in order to conform to the usual diplomatic practice in such matters, it is undesirable to proceed with those formal changes, and he therefore recommends that the said Minute of Council be amended accordingly. A copy of the draft Convention, altered to conform to the present recommendation, is submitted herewith.

The Committee concur in the foregoing and, on the recommendation of the Secretary of State for External Affairs, advise that a copy hereof, if approved, be transmitted to His Majesty's Ambassador at Washington and to the Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

In the draft Convention thus revised the words "on the advice of His Government of Canada" were omitted both in the preamble and in Article VII.

The revised draft was communicated to the United States Government, but no further progress had been made in the matter up to the end of 1921.

(5) Panama Canal Tolls.

The question of the legislation necessary to enable the President of the United States to fix and levy the tolls on ships passing through the Panama Canal was first discussed during 1911. Various proposals for giving favoured treatment to American vessels were considered in relation to the position under the Hay-Pauncefote Treaty of 1901 (Treaty Series No. 6, 1902), which included an expressed

obligation on the part of the United States towards Great Britain and an implied international obligation (a) that all charges should be equal, (b) that they should be "just and equitable." The Law Officers' opinion (15403/12) was taken on the information available as to the United States proposals, and a note embodying this opinion was communicated to the United States Secretary of State by His Majesty's Ambassador in July, 1912; copies of the Note were sent to the Dominions (23396/12).

Canada was being kept informed as to the position by the Ambassador. The Commonwealth Government had telegraphed in May for information as to the position, and in August both Commonwealth Houses of Parliament passed resolutions protesting against "the breach by United States of treaty obligations." New Zealand telegraphed in similar terms in August.

Eventually in August, 1912, the Adamson Bill was passed by both Houses of Congress and signed by President Taft, who issued a memorandum setting out his views on the Act (for text of Act and Memorandum see [Cd. 6451]).

After considerable correspondence with the Ambassador and the Board of Trade the Secretary of State for Foreign Affairs addressed a despatch to the Ambassador for communication to the United States Secretary of State setting out the views of His Majesty's Government on the Act, and this despatch was communicated to the Secretary of State on the 9th December (39157/12). The concurrence of the Canadian Government in the terms of the despatch were obtained, and copies of the Parliamentary Paper containing the text of the despatch, the Act, and the President's Memorandum were sent to the Dominions (39157/12).

His Majesty's Government took exception to Section 5 of the Act, which provided that (1) no tolls should be levied on ships engaged in the coastwise trade of the United States and (2) that the tolls when based upon net registered tonnage for ships of commerce, were not to exceed 1 dollar 25 cents per net registered ton, nor be less, *other than for vessels of the United States and its citizens*, than the estimated proportionate cost of the actual maintenance and operation of the Canal. His Majesty's Government also drew attention to Section 11 concerning the prohibition of railway companies from having any interest in vessels through the Canal with which such railways might compete. They did not read this as applying to British ships, but reserved their right to examine the matter further.

(The Law Officers had stated that were this section to apply to British ships it would be a distinct infringement of the Treaty of 1901.

The Bill had contained a provision exempting from tolls American ships engaged in foreign trade if the owners agreed that such vessels might be taken and used by the United States in time of war or other public emergency; this was, however, dropped.)

The despatch closed with a proposal to submit the questions at issue to arbitration if necessary.

The tolls were fixed and brought into force by Presidential Proclamation of the 13th November, 1912, the tolls being based on a report by Prof. Johnson.

Public opinion in the United States seemed in favour of arbitration, and the United States Government made proposals for settling the matter by compromise, which were, however, not acceptable to His Majesty's Government. Meanwhile, a Bill for repeal of the Act was introduced by Senator Root.

On 17th January the United States Government replied to the British protest, and in reply a Note was addressed by the Ambassador to the Secretary of State on the 28th February pressing for arbitration.

After this there was a period of considerable delay owing to the change of administration consequent on the election of President Woodrow Wilson. The new President, however, announced his intention of taking up energetically the questions of the Canal Tolls and the renewal of Arbitration Treaties. The 1913 session of Congress was occupied solely with the new Tariff Bill. Early in 1914 a resolution was introduced into Congress by Mr. Adamson (author of the Act) to suspend the provision exempting coastwise vessels from payment of tolls, and in March the President delivered an address to both Houses urging the repeal of the provision in question, stating that the exemption was both economically mistaken and in plain contravention of the Treaty of 1901.

Eventually the Sims Bill was passed and signed repealing the provision of the Act exempting the coastwise trade from tolls and amending the provision as to foreign trade by removing the words "other than for vessels of the United States and its citizens," and making the minimum toll 75 cents per ton, but adding a proviso

that the passage of the Act should not be construed as a relinquishment of any right that the United States might have under the 1901 Treaty or otherwise as to discrimination in favour of vessels of United States or its citizens by exempting them from tolls or as to sovereignty over and control of the Canal.

In 1920 the United States Administration introduced a Bill exempting United States shipping from the tolls. The United States Ambassador proposed to the Secretary of State for Foreign Affairs that His Majesty's Government should accept the introduction into the Bill of a clause extending the same immunity as United States vessels were to enjoy to Canadian coastwise traffic.

The matter was discussed at the Prime Ministers' Conference, and as a result the following despatch was sent to His Majesty's Ambassador at Washington.

Sir, Foreign Office, 11th July, 1921.

At an interview with the American Ambassador this afternoon, I acquainted him with the decision of the Imperial Cabinet with regard to the question of the Panama Canal dues and the suggestion that had emanated from his Excellency that the passage of the contemplated legislation in Congress, exempting the coastwise traffic of America from payment of tolls, might be sweetened to the British Government by the concession of a similar immunity to the coastwise traffic of Canada. Mr. Harvey had put this suggestion before me, not as in any way likely to stop the passage of the Bill into law if it were refused, but as a possible means of averting a somewhat disagreeable situation between the British and American Governments. I told him that the matter had been referred to Mr. Meighen, the Canadian Prime Minister, who was at present in this country, and it had also been discussed by the Imperial Cabinet. The attitude taken by the former had been unanimously endorsed by the latter.

Mr. Meighen had stated that, considerable as might be the advantages to the Dominion of Canada resulting from such a concession, his Government would never be a party to it; nor did he believe that the Empire would ever acquiesce in tearing up a treaty at the price of a concession given to Canada alone. The Cabinet had declined to move in any respect from the position it had always taken up with regard to the interpretation of the Hay-Pauncefote Treaty: a position which had been endorsed by the subsequent action of President Wilson. It was quite impossible to recede from that position. We could not abandon our claim, which was for equality of treatment of the shipping of all nations, not of British shipping alone, for the sake of a concession to one fraction, however important, of the British Empire. The sole responsibility for reviving the matter and reversing the agreement which had previously been arrived at between the two Governments must rest with the American Government. If they chose to pass this legislation, sorry as we should be to have trouble with them at a moment when we were endeavouring to co-operate with them in the largest matters, we could not possibly compromise our attitude. I thought it desirable to be absolutely explicit in the matter with the Ambassador, in order that his Government might not be taken by surprise when they received our emphatic protest later on.

Mr. Harvey replied that he had made the suggestion on his own account, though not without authority, in the hope that it might be a way out of a serious difficulty. It was obvious that it could no longer be proceeded with. In these circumstances there was nothing left for him to do but to withdraw the suggestion and to communicate the fact, as he would do, to his Government.

The brevity of the Ambassador's rejoinder was no doubt largely due to the fact that he had himself always espoused the view for which we were now continuing to stand.

I am, &c.,

CURZON OF KEDLESTON.

A copy of this despatch was sent to the Dominion Governments on 11th August, 1921 (37955/21). The following reply (50736/21) was received from the Governor-General of the Commonwealth of Australia:—

With reference to your despatch of 11th August, Dominions No. 322, Secret, Panama Canal dues, Prime Minister states that he entirely agrees with attitude taken up by the Imperial Cabinet referred to in Lord Curzon's despatch of 11th July. He desires to reaffirm the position he then took up.—GOVERNOR-GENERAL.

VENEREAL DISEASE AMONG SEAMEN.

Proposed International Convention.

43447

No. 272.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.	} Dominions. No. 359.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[My LORD.] [SIR,]

Downing Street, 31st August, 1921.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a Note from the Belgian Ambassador on the subject of venereal disease amongst seamen. The Note encloses the draft of an International Convention dealing with the matter.

2. The terms of this draft are now under the consideration of His Majesty's Government, and an expression of their views will be communicated to your Ministers later.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 272.

Ambassade de Belgique.

MILORD,

Londres, le 3 août, 1921.

Au cours de sa session d'octobre dernier, le Comité International d'Hygiène publique a été saisi par le Délégué de la Grande-Bretagne d'une proposition tendant à l'examen des mesures qu'il conviendrait de prendre dans la lutte contre les maladies vénériennes pour assurer aux marins atteints de ces maladies un traitement gratuit dans une escale faite par le navire sur lequel ils sont embarqués.

Tous les pays s'attachent aujourd'hui à organiser des centres de traitement parfaitement outillés dirigés par des spécialistes, compétents et ouverts dans des conditions de nature à attirer le plus possible les malades. La gratuité des soins est un principe généralement adopté.

Mais les affections vénériennes, la syphilis surtout, exigent des soins prolongés pendant très longtemps et des examens biologiques de contrôle répétés. Les malades appartenant au personnel embarqué de la marine marchande se trouvent dans l'impossibilité de recourir pour ces soins et pour ces examens aux centres de traitement établis dans leur propre pays. Il a paru nécessaire qu'un arrangement international leur permit d'utiliser, au même titre, les centres existant dans les ports des autres pays où ils font escale.

On peut d'ailleurs observer que le fait d'ouvrir largement aux navigateurs étrangers ses cliniques vénérologiques constitue pour chaque pays la meilleure défense contre les dangers que présenterait le séjour, dans les ports, de malades non traités.

Dans la session qu'il a tenue en 1920 et en avril, 1921, l'Office International d'Hygiène publique a arrêté les termes d'un projet d'arrangement conçu dans cet ordre d'idées pour permettre d'assurer aux marins atteints de maladies vénériennes un traitement gratuit dans les escales des navires à bord desquels ils sont embarqués. Ce projet visant, dans son article 3, la remise à chaque marin d'un carnet strictement personnel, l'Office International a, en même temps, préparé un modèle de ce carnet.

Pour faciliter au centre de traitement, lorsqu'il examinerait ledit carnet, la connaissance complète des mentions qui y seront inscrites par un autre centre étranger, il a, d'autre part, rédigé un vocabulaire succinct médico-pharmaceutique, en trois langues, qui serait transmis, le moment venu, aux Gouvernements qui accepteraient de signer l'arrangement dont il s'agit.

En présence du mouvement d'opinion qui s'est produit de tous côtés en faveur d'une lutte effective contre les maladies vénériennes, il a paru au Gouvernement belge qu'il était urgent d'accueillir l'idée à laquelle répond l'accord dont les termes ont été suggérés par l'Office International d'Hygiène publique. Il croit devoir, en conséquence, prendre l'initiative de proposer, aux diverses Puissances ayant des ports maritimes ou fluviaux, de conclure l'arrangement dont le texte est ci-annexé.

J'ai été chargé par mon Gouvernement, en faisant part de ce qui précède à votre Seigneurie, de Lui demander si le Gouvernement Britannique serait disposé à signer l'acte diplomatique dont il s'agit et de Lui signaler en même temps l'intérêt qu'il y aurait à obtenir également l'adhésion des Dominions et Colonies britanniques qui ont des ports.

Je saisis, &c.,

Le Chargé d'Affaires, a.i.,

C. MASKENS.

Marquis Curzon of Kedleston,

&c.,

&c.,

&c.

PROJET D'ARRANGEMENT

RELATIF AUX FACILITÉS À DONNER AUX MARINS DU COMMERCE POUR LE TRAITEMENT DES MALADIES VÉNÉRIENNES.

Sa Majesté le Roi des Belges, S.M. reconnaissant l'opportunité d'une action commune en vue de donner aux marins du commerce les facilités désirables pour le traitement des maladies vénériennes, ont résolu de conclure un arrangement à cet effet et ont nommé pour leurs plénipotentiaires, savoir : lesquels, après s'être communiqué leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des dispositions suivantes :

Art. 1.—Les Hautes Parties contractantes s'engagent à créer et à entretenir dans chacun de leurs principaux ports, maritimes ou fluviaux, des services vénérologiques ouverts à tous les marins du commerce ou bateliers, sans distinction de nationalité.

Ces services auront un personnel médical spécialisé et une organisation matérielle tenue constamment à jour des progrès de la science. Ils seront installés et fonctionneront dans des conditions telles que les intéressés y puissent avoir facilement accès. Leur développement sera proportionné, dans chaque port, au mouvement de la navigation et ils disposeront d'un nombre suffisant de lits d'hôpital.

Art. 2.—Les soins médicaux ainsi que la fourniture des médicaments seront gratuits; il en sera de même de l'hospitalisation, lorsqu'elle aura été reconnue nécessaire par le médecin du Service.

Les malades recevront également à titre gratuit les médicaments nécessaires aux traitements à suivre en cours de route et jusqu'à la prochaine escale prévue.

Art. 3.—Il sera délivré à chaque malade un carnet strictement personnel, sur lequel il pourra n'être désigné que par un numéro, et où les médecins des diverses cliniques visitées par lui inscriront :

- (a) Le diagnostic, avec l'indication sommaire des particularités cliniques relevées au moment de l'examen;
- (b) Les opérations faites à la clinique;
- (c) Les prescriptions à suivre en cours de route;
- (d) Les résultats des examens sérologiques pratiques dans les cas de syphilis (Wassermann).

Ces carnets seront établis conformément au modèle ci-annexé. Ils pourront être ultérieurement modifiés par voie administrative.

Il est désirable, afin de faciliter la comparaison, que la recherche de la réaction de Wassermann soit faite, autant que possible, suivant une technique uniforme.

Art. 4.—Les capitaines de navires et les patrons de bateaux seront tenus de faire connaître à leur personnel l'existence des services visés dans le présent arrangement.

À un moment de l'arraisonnement du navire ou de sa première visite à bord, l'officier sanitaire remettra au personnel des notices indiquant les lieux et les heures des consultations.

Art. 5.—Les États qui n'ont pas pris part au présent arrangement seront admis à y adhérer sur leur demande. Cette adhésion sera notifiée par la voie diplomatique au Gouvernement belge et par celui-ci aux autres Gouvernements signataires.

Art. 6.—Le présent arrangement sera mis en vigueur dans un délai de trois mois à dater du jour de l'échange des ratifications. Dans le cas où l'une des Parties contractantes dénoncerait l'arrangement, cette dénonciation n'aurait d'effet qu'à l'égard de cette Partie et cela une année seulement à dater du jour où cette dénonciation aura été notifiée au Gouvernement belge.

Art. 7.—Le présent arrangement sera ratifié et les ratifications seront déposées à Bruxelles dans le plus bref délai possible.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent arrangement et y apposé leurs cachets.

Fait à Bruxelles, le en un seul exemplaire qui restera déposé dans les archives du Ministère des Affaires Étrangères de Belgique, et dont une copie certifiée conforme, sera remise à chaque Puissance contractante.

Annexe : Modèle de carnet individuel.

49802

No. 273.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 426.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD.] [SIR.]

Downing Street, 19th October, 1921.

WITH reference to my despatch Dominions No. 359 of the 31st August,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, a copy of a Note to the Belgian Ambassador on the subject of the draft Agreement regarding the treatment of venereal disease in seamen.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 273.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 5th October, 1921.

I HAVE the honour to refer to Your Excellency's note of the 3rd of August last in which you enclosed a copy of a draft Agreement regarding the treatment of venereal disease in seamen.

2. His Majesty's Government consider that the proposed agreement, which is in accordance with present practice at the principal British ports, is very desirable in the interests of public health, and they concur in the proposal of the Belgian Government to arrange the agreement by direct communication with other Governments. They suggest, however, the following minor modifications should be made in the draft.

Article 3. For sub-section (d) "The results . . . (Wassermann)" substitute "The results of pathological tests or examinations which have been carried out." In this matter the agreement should cover all forms of venereal disease and all useful tests in connexion with their diagnosis. For similar reasons and to give greater precision to the intention of this Article the last two paragraphs thereof might read as follows:—

"These 'carnets' should conform to the annexed model. The signatory Powers will give effect, so far as circumstances permit, to any modifications which at a later period may be proposed to them by the Office International d'Hygiène Publique, as a result of practical experience or of the increase of scientific knowledge, with the object of securing greater uniformity either of the records or of the pathological tests or examinations which are made at the clinics."

Article 4. The first words, requiring the sanitary officer to furnish a supply of notices for the crew "at the time of hailing the ship" might be sufficient. The supply of these notices on the occasion of the Sanitary Officer's first visit would seem to be sufficient, and the procedure suggested in the Article scarcely practicable.

3. Subject to the adjustment of the above-mentioned amendments and to the consideration of any alteration in the text which may be proposed by other Governments, His Majesty's Government would be prepared to sign the proposed agreement at an early date.

4. The Dominion and Colonial Governments have been consulted in regard to the matter, and as soon as replies have been received from them I shall have the honour to inform Your Excellency. It should, however, be observed in this connexion that the draft agreement in its present form contemplates acceptance of its provisions for each of the principal ports of the high contracting parties. This procedure is not applicable to the circumstances of the British Empire, and if the Dominions and Colonies desire to accede it will accordingly be necessary so to amend the terms of the agreement as to leave the respective parts of the British Empire free to join in the arrangements or not as they may wish, and, if they join, to withdraw separately, if they wish.

I have, &c.,
(for the Secretary of State),
R. H. CAMPBELL.

His Excellency
Baron Moncheur,
etc., etc., etc.

49802

No. 274.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 499.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[My Lord,] [Sir,] Downing Street, 16th December, 1921.

I HAVE the honour to request [Your Royal Highness,] [Your Excellency,] [you,] to invite the attention of your Ministers to my despatch Dominions No. 426 of the 19th October,* on the subject of the proposed International Convention regarding the treatment of venereal disease among seamen, a draft of which was enclosed in my despatch Dominions No. 359 of the 31st August.†

2. As will be observed from paragraph 4 of the Note to the Belgian Ambassador enclosed in my despatch of 19th October, it has been pointed out that it will be necessary to amend the terms of the Convention in order to make it applicable to the circumstances of the British Empire. No reply has yet been received from the Belgian Government, but in the meantime I should be glad to learn whether your Ministers concur in the principle of the proposed Convention, and would desire to participate in it.

I have, &c.,
WINSTON S. CHURCHILL.

WASHINGTON CONFERENCE, 1921.

Note.—The circumstances in which the Washington Conference originated are dealt with on pp. 3 to 5 of [Cmd. 1474].

* No. 273. † No. 272.

42646

No. 275.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.50 p.m., 23rd August, 1921.)

TELEGRAM.

(Paraphrase.)

23RD AUGUST. Following message is for your Prime Minister from my Prime Minister:—

Begins: Washington Conference. I should be grateful for information by telegraph showing position with regard to agenda, proposed scheme of representation, and other aspects of arrangements with special reference to procedure contemplated for handling the Far Eastern and Pacific question. I hope, also, you can arrange to have us informed from time to time, by telegraph, of any important developments, and to have forwarded to us by mail copies of memoranda and papers prepared by experts for use at the Conference and of relevant correspondence. *Ends.*

—BYNG.

43240/S

No. 276.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.35 p.m., 27th August, 1921.)

TELEGRAM.

(Paraphrase.)

27TH AUGUST. Following is from my Prime Minister for your Prime Minister:—

Begins: Secret. Private and Personal. Referring to my telegram of 23rd August,* I am specially anxious to know by what method it is proposed to provide for representation of Canada on the British Empire Delegation. As this may have important bearing on Parliamentary arrangements here, I should be grateful for any information as soon as possible. *Ends.*

—BYNG.

42646

No. 277.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 29th August, 1921.)

TELEGRAM.

(Paraphrase.)

With reference to your telegram of 23rd August,* following for your Prime Minister from the Prime Minister:—

Begins: Washington Conference. As regards agenda, you will remember that when the British proposal for preliminary conversations in America was declined by the United States Government, it was decided by the Conference to leave the initiative to the Americans. We have heard nothing from them so far. As regards representation it is impossible to make any nominations here until we know whether the Irish question will require an Autumn Session of Parliament. As regards memoranda, these are being prepared, but are not yet available. I will gladly keep you informed by telegraph of any important developments. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

* No. 275.

43516

No. 278.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 389.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,] Downing Street, 12th September, 1921.
 I HAVE the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, a copy of a note from the United States Chargé d'Affaires forwarding the formal invitation of the Government of the United States of America to participation in a conference on the subject of limitation of armaments, to be held in Washington, on the 11th November next, together with a copy of the reply returned by the Secretary of State for Foreign Affairs.

I have, &c.,
 WINSTON S. CHURCHILL.

Enclosure 1 in No. 278.

MR POST WHEELER TO THE MARQUESS CURZON OF KEDLESTON.

(Received 16th August.)

MY LORD, United States Embassy, London, 13th August, 1921.
 PURSUANT to telegraphic instructions received from the Secretary of State at Washington, under date of the 11th August, 1921, I have the honour to transmit herewith the formal invitation of the Government of the United States to His Majesty's Government to participate in a conference on the subject of limitation of armaments, in connexion with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th November, 1921.

I have, &c.,
 POST WHEELER,
Chargé d'Affaires ad interim.

FORMAL INVITATION OF UNITED STATES GOVERNMENT.

THE President is deeply gratified at the cordial response to his suggestion that there should be a conference on the subject of limitation of armaments in connexion with which Pacific and Far Eastern questions should also be discussed.

Productive labour is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced, and it is idle to look for stability or the assurance of social justice or the security of peace while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress.

The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the incumbrance upon enterprise and national prosperity, and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the Powers most largely concerned find a satisfactory basis for an agreement to effect their limitation.

The time is believed to be opportune for these Powers to approach this subject directly and in conference; and, while in the discussion of limitation of armaments the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament, to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of war may be suitably controlled.

It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove the causes of misunderstanding and to seek ground for agreement as to principles and their application.

It is the earnest wish of this Government that through an interchange of views with the facilities afforded by a conference it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time, that is, such common understanding with respect to matters which have been and are of international concern as may serve to promote enduring friendships among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made and in the light of the gracious indication of its acceptance, the President invites the Government of Great Britain to participate in a conference on the subject of limitation of armaments, in connexion with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th November, 1921.

Enclosure 2 in No. 278.

YOUR EXCELLENCY, Foreign Office, S.W.1, 19th August, 1921.

I HAVE the honour to acknowledge the receipt of the invitation, proffered to His Majesty's Government by the Government of the United States, to participate in a conference at Washington, beginning on the 11th November next, for the discussion of the limitation of armaments, and in connexion therewith, of the international problems presented by the Pacific and the Far East.

2. It is with sincere gratification that I have the honour, on behalf of His Majesty's Government, to request Your Excellency to convey to the United States Government, our ready acceptance of their invitation to take part in this auspicious meeting, with the objects of which His Majesty's Government and the British nation are in whole-hearted sympathy. It is the earnest and confident hope of His Majesty's Government that this conference, approached, as it will be, by all concerned in a spirit of courage, friendliness, and mutual understanding, may achieve far-reaching results, that will conduce to the prosperity and peace of the world.

I have, &c.,
 CURZON OF KEDLESTON

His Excellency
 The Honourable
 George Harvey,
 &c., &c., &c.

49075/S

No. 279.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 12.50 p.m., 3rd October, 1921.)

TELEGRAM.

[Answered by Nos. 289 and 290.]

(Commonwealth of Australia.)

(New Zealand.)

(Paraphrase.)

FOLLOWING message for Mr. [Hughes] [Massey]:—

Begins: It is my earnest desire that the New Zealand and Australian standpoint should be well represented on British Empire Delegation at the Conference at Washington. If it is by any means possible I urge you to go yourself, as, in my opinion, your personal presence is highly desirable. If that is impossible both Australia and New Zealand might be represented by a single delegate in view of the fact that your standpoints are identical. It has occurred to me that Lord Novar might be suitable as he understands America and had long experience in Australia. Your personal presence would be much preferred by myself, but if you cannot go I should be glad if you would get into touch with [Massey] [Hughes,] and inform me by tele-

graph whether Novar is approved or, if not, what you propose. If you care to send any officer to serve on Secretariat we will, of course, be glad to welcome him also.—D. LLOYD GEORGE. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

49075/S

No. 280.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.0 p.m., 3rd October, 1921.)

TELEGRAM.

[Answered by No. 284.]

(Paraphrase.)

FOLLOWING message for Mr. Meighen:—

Begins: Should be glad to be informed by telegraph whom you desire to appoint on British Empire Delegation at Conference at Washington. I am particularly anxious that the Canadian standpoint should be well represented. Any officer whom you might also desire to send to serve on Secretariat will, of course, be welcomed.—D. LLOYD GEORGE. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

49075/S

No. 281.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.25 p.m., 3rd October, 1921.)

TELEGRAM.

[Answered by No. 288.]

(Paraphrase.)

FOLLOWING message for General Smuts:—

Begins: Should you consider it important to send South African representative on British Empire Delegation at Conference at Washington, we will, of course, welcome one. From what you said in London I have so far assumed that you did not think the interests of South Africa in the Pacific sufficiently direct to require representation. It is wise desire of United States to keep numbers in Conference down, but your own presence would be invaluable. In any case, should you wish to send any officer to serve on Secretariat we will, of course, welcome him.—D. LLOYD GEORGE. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

49075/S

No. 282.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

(Sent 3.25 p.m., 3rd October, 1921.)

TELEGRAM.

[Answered by No. 306.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

SECRET. Following message for your Prime Minister from the Prime Minister:—

Begins: Secretary of State's despatch, Dominions No. 389, of 12th September,* forwarded full text of United States invitation to the Washington Disarmament and Pacific Conferences. The present position is as

* No. 278.

follows. His Majesty's Government have telegraphed to His Majesty's Ambassador at Washington as follows:—

Begins: Your telegram No. 600.

(1) What general procedure do the Government of United States contemplate for the Conference or Conferences? Is the Disarmament Conference to follow the Pacific Conference or vice versa, or are they to be held simultaneously by detachments of national delegations sent to Washington? Do United States Government propose to discuss Air as well as Military and Naval armaments?

(2) As the United States Government are communicating to China and all the other Powers invited their agenda, His Majesty's Government do not feel called upon to anticipate the Conference discussions by making any observations thereon, but it should be clearly understood by the United States Government that we cannot discuss the Anglo-Japanese Agreement or any matters of Pacific policy affecting the safety of the Pacific Dominions and India at a Conference attended by five or eight Powers, two or five of which have no interest or responsibility comparable with our own in the Far East, and no forces there of any sort. In our opinion such a discussion can be conducted with profit only between the three great naval Powers, namely, Japan, the United States, and ourselves; and only at a Conference of Principals.

(3) Panama Canal tolls should, we also consider, be included among the subjects for discussion "if not previously settled."

(4) With reference to your telegram No. 599. We leave to the sole discretion of the United States Government what Powers are to be invited subject to reservation in paragraph (2) above.

(5) As there are so many questions of urgent importance requiring his presence in England the Prime Minister deeply regrets his inability to attend any Conference at Washington this year. Even if the Irish question is settled his presence will be necessary for dealing with the difficulties arising out of unemployment and general privations which must inevitably arise this winter, etc.

(6) We may wish to send up to six representatives and will let the United States Government have the names as soon as possible, but must first communicate with India and the Dominions. *Ends.*

The following further telegram has also been sent:—

Begins: You should make to the United States Government an urgent communication in the sense of my immediately preceding telegram, except paragraphs (2) and (4), in regard to which we must first ascertain the views of Japan. *Telegram ends.*

At recent Imperial Conference it was arranged that His Majesty's Government should represent the whole Empire at Washington. His Majesty's Government while quite prepared to represent the Dominions would prefer British Delegation to include men with special knowledge of Canadian, Australasian, and Indian points of view.

As regards representation of Great Britain, I greatly regret that it will be impossible for me to attend in person as Conference is certain to be prolonged. So many questions of urgent importance require my presence in England that I have been obliged to forgo any serious absence this winter. On account of unsettled situation in Ireland and the unemployment problem inevitably entailing widespread privation, and for other reasons, I feel very strongly that my presence in this country will be necessary without any considerable interval, such as would be required for effective participation in Washington discussions. Lord Curzon is also unavoidably prevented from going.

My view, therefore, is that the British Delegation should consist of Balfour, as head, the First Lord of the Admiralty, and Bonar Law. Bonar Law has already been approached, but it cannot be regarded as quite certain that he will be willing to serve. *LLOYD GEORGE. Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

49075/S

No. 283.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 5.0 p.m., 3rd October, 1921.)

TELEGRAM.

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Newfoundland.)

3RD OCTOBER. Referring to my telegram of 3rd October,* Secret, sending message for your Prime Minister about Washington Conference; following for your Prime Minister from Prime Minister:—

Begins: United States Government have communicated following tentative suggestions for Agenda. Telegram from Ambassador at Washington, No. 600:—

Begins:—Limitation of armaments.

1. Limitation of naval armaments, under which shall be discussed:—

- A. Basis of limitation.
- B. Extent.
- C. Fulfilment.

2. Rules for control of new agencies of warfare.

3. Limitation of land armaments.

Pacific and Far East questions.

- 1. Questions relating to China.
 - i. Principles to be applied.
 - ii. Application.

Subjects:

- A. Territorial integrity.
- B. Administrative integrity.
- C. Open door equality of commerce and industrial opportunity.
- D. Concessions, monopolies or preferential economic principles.
- E. Development of railways including plans relating to Chinese Eastern Railway.
- F. Preferential railroad rates.
- G. Status of existing commitments.
- 2. Siberia (similar headings).
- 3. Mandated islands (unless questions earlier settled).

Under heading of "status of existing commitments" it is expected that opportunity will be afforded to consider and to reach an understanding with regard to unsettled questions involving nature and scope of commitments under which claims to rights may hereafter be asserted. *Ends.*

For reply from His Majesty's Government see my telegram 3rd October.

LLOYD GEORGE. *Message ends.*

—SECRETARY OF STATE FOR THE COLONIES.

49268/S

No. 284.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.45 a.m., 4th October, 1921.)

TELEGRAM.

[Answered by No. 285.]

(Paraphrase.)

3RD OCTOBER. Secret. Following message from Mr. Meighen for Mr. Lloyd George:—

Begins: Washington Conference; your telegram of 4th [3rd] October.* Your proposal is appreciated, and I would nominate as a member of British

* No. 282.

Empire Delegation Sir Robert Borden, who is prepared to act. To serve on Secretariat I propose Legal Adviser of Department of External Affairs, Mr. Loring C. Christie. As suggested in my telegram of [23rd] 22nd August,* I hope you can expedite communication to us of any relevant papers for use in connexion with Conference. *Ends.*

—BYNG.

49268/S

No. 285.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.10 p.m., 5th October, 1921.)

TELEGRAM.

(Paraphrase.)

5TH OCTOBER. With reference to your telegram of 3rd October.† Following message for your Prime Minister from the Prime Minister:—

Begins: Am delighted to hear that you have chosen Sir Robert Borden to represent Canada on British Empire Delegation at Washington Conference, and that he is willing to put once more at the service of the Empire his distinguished ability and experience.—D. LLOYD GEORGE. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

49268/S

No. 286.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.20 p.m., 5th October, 1921.)

TELEGRAM.

(Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)

(Paraphrase.)

5TH OCTOBER. With reference to my telegrams of 3rd October.‡ Following message for your Prime Minister from the Prime Minister:—

Begins: Have just heard from Meighen that as Canadian representative on British Empire Delegation at Washington Conference he has appointed Borden.—D. LLOYD GEORGE. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

49075/S

No. 287.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.20 p.m., 5th October, 1921.)

TELEGRAM.

[Answered by Nos. 291, 293 and 295.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Paraphrase.)

REFERENCE to my telegram 3rd October.§ His Majesty's Government presume your Government will wish themselves to pay expenses of their own representative and staff at Washington Conference. In view of pressure of accommodation, His Majesty's Ambassador at Washington has been instructed to reserve provisionally in same hotel as British Delegation accommodation likely to be required.—SECRETARY OF STATE FOR THE COLONIES.

* No. 275.

† No. 284.

‡ Nos. 279 and 281.

§ Nos. 279 and 280.

49867/S

No. 288.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.30 a.m., 7th October, 1921.)

TELEGRAM.

(Paraphrase.)

6TH OCTOBER. General Smuts asks me to transmit following message:—

Begins: Washington Conference. Government of the Union of South Africa do not propose to be specially represented in view of personal message from Mr. Lloyd George. *Ends.*

—ARTHUR FREDERICK.

49868/S

No. 289.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.0 a.m., 7th October, 1921.)

TELEGRAM.

(Paraphrase.)

With reference to your telegram of 3rd October,* following from Mr. Massey for Mr. Lloyd George:—

Begins: Your message is much appreciated, but I regret that it is quite impossible for me to go to Washington personally. The question of suitable representation at the Disarmament Conference of the Dominion is now under the consideration of the Government of New Zealand, and in all probability Government will select a Minister. I am in communication with Mr. Hughes, but I understand that Commonwealth is unwilling to accept Lord Novar, as suggested. As soon as Commonwealth has definitely settled its representation the matter will be arranged here, and immediately Cabinet arrives at a definite decision I will telegraph to you again.

Secondly, I shall be greatly obliged if you will allow Mr. E. O. Mousley, a New Zealander who is known to Sir Edward Grigg, and is at present in London, to be attached to the British Secretariat in connexion with the Washington Conference and instruct him in this capacity to look particularly after the interests of New Zealand. *Ends.*

—JELlicoe.

50776/S

No. 290.

COMMONWEALTH OF AUSTRALIA.

THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA to THE PRIME MINISTER.

(Received 10, Downing Street, 7th October, 1921.)

TELEGRAM.

(Paraphrase.)

7TH OCTOBER. Washington Disarmament Conference, British Empire Delegation. Commonwealth Government have chosen Senator G. F. Pearce as the representative of Commonwealth.

Four others will accompany him, viz., as Secretary to the Delegation, Knowles; as expert adviser on Pacific questions, Piesse; as private secretary, Reid, and a messenger.

In order that provision may be made for Commonwealth representatives glad to be advised early date what arrangements being made in Washington for accommodation, etc.—HUGHES.

* No. 279.

50748/S

No. 291.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.35 a.m., 12th October, 1921.)

TELEGRAM.

(Paraphrase.)

12TH OCTOBER. Washington Conference. Referring to your telegram of 5th October,* Government of New Zealand has appointed the Honourable Sir John Salmond, a Judge of the Supreme Court of New Zealand, as representative at the Conference of this Dominion. He will leave New Zealand next week by the s.s. "Niagara," accompanied by his secretary. Mr. E. O. Mousley, who is now resident in Demerara, will proceed with the British Secretariat to be attached to Sir John Salmond, at Washington, in the capacity of publicity officer and official secretary. As indicated in your telegram of 5th October, the Prime Minister would be obliged if hotel accommodation could be reserved by His Majesty's Ambassador at Washington. Government of New Zealand will defray expenses of their representative and staff.—JELlicoe.

50749/S

No. 292.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.35 a.m., 12th October, 1921.)

TELEGRAM.

(Paraphrase.)

My telegram of 7th October.† Washington Conference. Following from my Prime Minister for Mr. Lloyd George:—

Begins: In view of the impossibility of myself and other members of the Government attending, Cabinet has appointed to represent the Dominion the Honourable Sir John Salmond, a Judge of the Supreme Court of New Zealand and for many years Solicitor-General. He will leave New Zealand next week by the "Niagara." Secondly, any information relating to the Conference which should be in the possession of the New Zealand representative additional to that contained in your telegrams of 3rd October and 5th October‡ will be welcomed at the earliest possible moment. Thirdly, presume you are arranging, as requested in my telegram of 7th October, for Mr. Mousley to go with the British Secretariat in the capacity of publicity officer and official secretary, and to be specially attached to Sir John Salmond in Washington. *Ends.*

—JELlicoe.

51706

No. 293.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.40 a.m., 18th October, 1921.)

TELEGRAM.

(Extract.)

18TH OCTOBER. Your telegram, 5th October,* expenses of Australian representative and staff will be borne by Government of Commonwealth of Australia.—GOVERNOR-GENERAL.

* No. 287. † No. 289. ‡ Nos. 282, 283, and 286.

51750/S

No. 294.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 2.15 p.m., 18th October, 1921.)

TELEGRAM.

[Answered by No. 296.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Union of South Africa.)
 (Paraphrase.)

18TH OCTOBER. Prime Minister sends following for your Prime Minister:—

Begins: Washington Conference. Following is present position regarding representation:—British Government will be represented by myself (as soon as general and parliamentary situation renders this possible) and by Lord Lee of Fareham and Mr. Balfour; also in my absence, or that of any other delegate, by British Ambassador at Washington.

Certain of the Dominions and India have nominated following representatives:—Sir R. Borden, Canada; Senator Pearce, Australia; Sir John Salmond, New Zealand; and Mr. Sastri, India.

At outset of Conference, Principal Naval Expert will be Earl Beatty, and Admiral Chatfield will succeed him in due course.

Principal Military Expert will be General Lord Cavan.

Sir Maurice Hankey will be Secretary of British Empire Delegation.

Above information will be announced in Parliament and communicated to United States Government officially.

Secret. Of course I shall not leave for Washington myself unless certain that Irish negotiations will be in no way prejudiced by my departure. *Ends*

—SECRETARY OF STATE FOR THE COLONIES.

51854

No. 295.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.25 p.m., 18th October, 1921.)

TELEGRAM.

18TH OCTOBER. Your telegram 5th October,* Washington Conference. Government of Canada wishes to pay all expenses of their representatives and staff in connexion with British Empire Delegation; they are in communication with His Majesty's Ambassador at Washington with regard to hotel and office accommodation. —BYNG.

52186/S

No. 296.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.38 p.m., 19th October, 1921.)

TELEGRAM.

[Answered by No. 298.]

(Paraphrase.)

19TH OCTOBER. Referring to your telegram of 18th October,† my Prime Minister sends following message for Mr. Lloyd George, for his information only:—

* No. 297.

† No. 294.

I have sent following telegram to Mr. Meighen, Mr. Hughes, and Mr. Massey:—

Begins: I notice from the Press that you are sending a representative to the Conference at Washington. I do not know whether you have received invitation from Government of United States through British Government or otherwise. I would urge very strongly that before sending delegate you should press for such invitation. United States did not ratify Peace Treaty to which we are signatories as component independent States of the British Empire. On the contrary, agitation in Congress against our independent voting power in the League of Nations was direct challenge to Dominion status. This is first great International Conference after Paris, and if Dominions concerned are not invited, and yet attend, bad precedent will be set up and Dominion status will suffer. If a stand is made now, and United States acquiesces, the battle for International recognition of our equal status is finally won. *Message ends.*

—ARTHUR FREDERICK.

52186/S

No. 297.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 6.35 p.m., 21st October, 1921.)

TELEGRAM.

[Answered by Nos. 301, 302, 305, and 308.]

(Canada.)
 (Commonwealth of Australia.)
 (New Zealand.)
 (Paraphrase.)

21ST OCTOBER. Following from Prime Minister for your Prime Minister:—

Begins: I have received from Smuts copy of his telegram* to you as to pressing American Government for direct invitations to Dominion representatives at Washington Conference. As Salmond and Pearce have already started, the question seems to me to be belated, and I fear that to raise it now would give Americans the impression that we were making factious difficulties at the eleventh hour. Any such action would produce undesirable atmosphere on the very eve of the Conference. I am, on the other hand, completely in accord, of course, with his view that Dominion representatives should hold same status as at Paris Conference. Foreign Office, in accordance with that precedent, proposes, with your approval, to submit to the King full powers for each Dominion representative to sign only on behalf of his respective Dominion. If this procedure is approved by you I presume that your Privy Council, as in case of Dominion representatives at Paris, will pass Minute sanctioning action of Foreign Office. Effect of this will be that signature of each Dominion delegate will be necessary in addition to signature of British delegates to commit British Empire Delegation as a whole to any agreements made at the Conference, and that any Dominion delegate can reserve assent on behalf of his Government if he wishes. I am asking Smuts to nominate some other delegate as the representative of the Union, as South Africa is sending no delegate. This was done in case of Treaty of St. Germain, which Union Government authorized Lord Milner to sign on their behalf. We can explain this procedure to American Government at some convenient moment in the course of the Conference, so that by our not raising the question of invitations now Dominion status will in no way be prejudiced. Please let me know if suggested procedure is approved by you. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

* See No. 296.

52186/S

No. 298.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.40 p.m., 21st October, 1921.)

TELEGRAM.

[Answered by No. 304.]

(Paraphrase.)

21ST OCTOBER. Following from Prime Minister for General Smuts:—

Begins: With reference to your telegram* regarding Conference at Washington. I have sent following telegram to Mr. Meighen, Mr. Hughes, and Mr. Massey:—*Begins:* I have received . . . [See No. 297] . . . approved by you. *Ends.*I am very anxious not to make difficulties at the very outset of the Conference for the President with the Senate, and hope, therefore, that the course I have proposed will commend itself to you. I think it fully meets your point. Please wire your views and let me know which member of the British Empire Delegation you will nominate to represent Union if you approve this course.—D. LLOYD GEORGE. *Ends.*

SECRETARY OF STATE FOR THE COLONIES.

52841

No. 299.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.20 a.m., 24th October, 1921.)

TELEGRAM.

[Answered by No. 300.]

24TH OCTOBER. Would be glad to learn whether it is proposed to give any document in the nature of a full power to the Dominion delegates at the Washington Conference, and, if so, the form of the power, in order that the Commonwealth Executive may be in a position to follow the procedure adopted in connexion with the Peace Conference of moving His Majesty to issue the power.—GOVERNOR-GENERAL.

52841

No. 300.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 24th October, 1921.)

TELEGRAM.

YOUR telegram of 24th October,† full powers, Washington Conference; see Prime Minister's message in my telegram of 21st October.‡—SECRETARY OF STATE FOR THE COLONIES.

* No. 296.

† No. 299.

‡ No. 297.

53100/S

No. 301.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.45 a.m., 25th October, 1921.)

TELEGRAM.

(Paraphrase.)

YOUR telegram of 21st October.* Following from my Prime Minister for Mr. Lloyd George:—

Begins: In my opinion, it is now too late to raise the question of invitations to the Conference at Washington. The most important point is that the British Empire should speak with one voice and with no uncertain sound. Dissensions must be avoided, as they would be fatal. I suggest that the representative of each Dominion should sign, as at Paris Conference. *Ends.*

—JELlicoe.

53220/S

No. 302.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.35 p.m., 25th October, 1921.)

TELEGRAM.

(Paraphrase.)

25TH OCTOBER. Secret. Mr. Hughes asks me to transmit following message for Mr. Lloyd George:—

Begins: Your telegram* relative to telegram† from General Smuts. I do not know whether you have answered General Smuts on the lines set out in second half of your telegram to me. If you have not, I should like to point out most respectfully that you may, in the desire to meet his views, be creating a precedent which may make impossible that unity of Empire which is the rock on which it rests. I heartily approve your doing anything that will enable the voice of the Commonwealth of Australia to be heard at Conference and to enable her to have that influence that her circumstances in the Pacific render so necessary. Unless you have already committed yourself by telegraph to General Smuts, I hope you will not set out in so many words how you propose to do this.I venture to remind you that General Smuts's concept of Empire and mine do not coincide. Our origin and circumstances explain this sufficiently. If the circumstances of every Dominion and of every leader were those of New Zealand and Australia and, for example, myself and Massey, it would be immaterial how far you went in the direction which I have referred to, but they are not. And that being the case, I hope you will go very slowly and give ground only when there is clear indication that this is essential in the interests of the Empire, and not merely the wish of one Dominion. You may take it that among the Dominions there is not a majority in favour of the views of General Smuts. Please do not forget, lastly, that if Ireland does come in, and she is to have full Dominion status, and this includes the right to [sign] on her own behalf, and to reject Treaties which bind Britain, there might very easily be created an impossible position. *Ends.*

—FORSTER.

* No. 297.

† See No. 296.

53242

No. 303.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.32 p.m., 25th October, 1921.)

TELEGRAM.

25TH OCTOBER. Minute of Council approved 22nd October appointing Right Honourable Sir R. L. Borden, G.C.M.G., to represent Canada at forthcoming Conference on Limitation of Armaments and on Pacific and Far Eastern questions, to be held Washington, 11th November, and Mr. L. C. Christie, Legal Adviser to Department of External Affairs, member of Secretariat of British Empire Delegation, to attend this Conference. Despatch follows by mail.—BYNG.

53444/S

No. 304.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.45 a.m., 27th October, 1921.)

TELEGRAM.

(Paraphrase.)

26TH OCTOBER. With reference to your telegram 21st October,* following from General Smuts for Prime Minister:—

Begins. I am grateful to you for your telegram and the action which you advise with regard to regularizing the Dominion representatives at Washington. I gladly recognize that in this, as in all similar matters, the attitude of the British Government has been to support Dominion status and leaves nothing to be desired. Nor, in view of considerations urged by you, would I press that matter be raised with Washington at this late hour. In view, however, of the agitation in Congress last year against fundamentals of Dominion status, now followed by absence of invitation to Pacific Dominions to the Conference, I trust that during the Conference everything will be done to put matter of Dominion status right with America. Invitation to country like Portugal, with very small Pacific interests, and omission to invite three British Dominions in Pacific, whose all is at stake there, implies at the very least a very grave misconception of Dominions position and status. At last Imperial Conference I assumed Dominions would be properly invited to subsidiary Pacific Conference at any rate, and am much surprised to learn that this has not been done. Peace Conference, where Dominions attended in their own right, but acted in close consultation and co-operation on British Empire Delegation, is true precedent to follow. What will happen at Washington now should not form precedent for future.

I have raised matter not because South Africa has Pacific interests, but because maintenance of Dominion status is essential to South Africa as well as whole Empire. Under all the circumstances, Union of South Africa does not desire to be represented at Conference as it has full confidence in policy which you will represent at Conference. If agreement is arrived at as result of Conference, to which South Africa should adhere also, steps to that end could be taken in same way as has been done in other cases. *Ends.*

—ARTHUR FREDERICK.

* No. 208

53615/S

No. 305.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.30 a.m., 28th October, 1921.)

TELEGRAM.

(Paraphrase.)

27TH OCTOBER. My Prime Minister asks me to transmit following message for Mr. Lloyd George:—

Begins: Conference at Washington. In the circumstances to which you allude in your telegram of 21st October,* respecting the position of the representatives of the Dominions, we agree to the procedure which you propose. Accordingly, there will be passed here, and transmitted, a Minute of Council as basis for issuance of full powers to representative of Dominion of Canada. That Dominion representatives should hold same status as at Paris is essential, and it must not be permitted to be prejudiced by proceedings at Washington Conference. *Message ends.*

—BYNG.

54058/S

No. 306.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2.30 a.m., 30th October, 1921.)

TELEGRAM.

[Answered by No. 310.]

(Paraphrase.)

29TH OCTOBER. Your telegram of 3rd October,† Disarmament Conference. At an interview, yesterday, my Prime Minister suggested that he would like Newfoundland in some way to appear at the Conference: he suggested that in a Conference held in the United States the strategical position of the Colony has special importance, and urged that the establishing of better relations between Newfoundland and the United States would be helped by a visit to Washington.

I gather that he would like some sort of proposal to come from His Majesty's Government. He was quite clear that it would merely be a visit to Washington without any attempt to take an official part in (? discussion). That there would be advantage to Colony and to himself if he could be authorized to visit Washington on this occasion seems to me really the idea he has in his mind.—HARRIS.

54243

No. 307.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.40 a.m., 1st November, 1921.)

TELEGRAM.

31ST OCTOBER. In accordance with terms of Order in Council approved 27th October, regarding forthcoming Conference as to limitation of armament and on Pacific and Far Eastern questions, summoned by Government of United States to meet at Washington, 11th November, it is desired that His Majesty may be humbly moved to issue Letters Patent to Right Honourable Sir R. L. Borden, member of His Majesty's Most Honourable Privy Council, G.C.M.G., K.C., naming and

* No. 297.

† No. 282.

appointing him as Commissioner and Plenipotentiary in respect of Dominion of Canada with full power and authority to conclude with such Plenipotentiaries as may be vested with similar power and authority on the part of any Powers or States any treaties, conventions, or agreements in connexion with said Conference, and to sign for and in name of His Majesty the King in respect of Dominion of Canada everything so agreed upon and concluded, and to transact all such other matters as may appertain thereto. Despatch follows by mail.—BYNG.

54783

No. 308.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.0 a.m., 2nd November, 1921.)

TELEGRAM.

2ND NOVEMBER. Following from my Prime Minister for Prime Minister, United Kingdom:—

Begins: Your telegram 21st October,* status of Dominion representative at Washington Conference. Am arranging for passing necessary minute by Federal Executive Council. Terms of minute will be telegraphed later. *Ends.*
GOVERNOR-GENERAL.

55093

No. 309.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.28 a.m., 5th November, 1921.)

TELEGRAM.

5TH NOVEMBER. My telegram 2nd November,† Washington Conference. Order in Council issued 2nd November. In preamble, reference made to Conference to be held at Washington, beginning on 11th November, and stated it is expedient His Majesty should be represented at Conference in respect of Commonwealth of Australia. Then ordered: "That His Majesty the King be humbly moved to issue Letters Patent to the Honourable George Foster Pearce, Minister of State for Defence for the Commonwealth of Australia, naming and appointing him as His Majesty's representative in respect of Commonwealth of Australia at the said Conference." Signed Order follows by mail.—GOVERNOR-GENERAL.

54058/S

No. 310.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 1.30 p.m., 5th November, 1921.)

TELEGRAM.

(Paraphrase.)

WASHINGTON Conference. Your telegram 29th October.‡ While quite prepared to make any representations at Washington which are desired by Government of Newfoundland, His Majesty's Government do not think this a good opportunity for visits unconnected with the extremely delicate and important business of the Disarmament Conference. Attempt to use Conference for any other purpose might, they consider, be very easily misinterpreted.—SECRETARY OF STATE FOR THE COLONIES.

* No. 297. † No. 308. ‡ No. 305.

57969

No. 311.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd November, 1921.)

(No. 720.)

SIR,

Governor-General's Office, Pretoria, 2nd November, 1921.

WITH reference to my despatch No. 707, of the 26th October,* I have the honour to transmit to you a statement issued to the Press by General Smuts relative to the representation of the Dominions at the Washington Conference.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 311.

"RAND DAILY MAIL," 2ND NOVEMBER, 1921.

GENERAL SMUTS has issued the following statement to the Press:—

My statement, made some weeks ago, about Dominion status in connexion with the Washington Conference has attracted widespread attention. It is evident, from much that has been said both in South Africa and outside of it, that there is some misunderstanding both of my attitude and of the constitutional point which has been raised. It may be generally useful if I attempt to remove some misconceptions and state the constitutional position as briefly and clearly as possible. Dominion status is a matter which is not only fundamental for the present critical Irish negotiations, but also for the future peace and welfare of the whole British Empire. It was with that larger point of view, and that only, that I was concerned in making my original statement.

To make the position of Dominion status clear it is necessary to compare what happened at the Peace Conference with what is now happening in connexion with the Disarmament Conference.

The Peace Conference was organized by the Supreme Council, and on their invitation the Governments of the Dominions, as well as that of the United Kingdom, were represented at the Peace Conference as equal Governments of His Majesty the King. The plenipotentiaries were appointed by the King, who was moved thereto by resolutions of the respective Executives of the United Kingdom and the Dominions. The Dominions were not only invited, but directly represented by their own delegates, who ultimately signed the Treaty on behalf of their countries. While the United Kingdom and the Dominions were thus individually represented on a footing of equality, they were all recognized as forming a special group in the Conference, and their delegates acted together on what was called the British Empire Delegation in close consultation and co-operation. At Paris the Dominions had all the advantages of a recognized individual status and of consultation and mutual support in the British Empire Delegation. Our individual standing was unquestioned, while our team work made us a really effective force in the Conference. This is the great precedent which settled our international status and which I feel should be followed in future.

But what has now happened at the first great international Conference called after Paris? Only the Government of the United Kingdom has been invited by the Government of the United States to attend the Washington Conference. The Dominions, in spite of the Pacific position of three of them, have been simply ignored.

Owing to the courtesy of the British Government some Dominion statesmen will figure in the United Kingdom delegation; but they will formally appear as British representatives who come on an invitation extended to Great Britain alone. As Canada has not been invited, Sir Robert Borden will appear as a member of the British Delegation and not as a representative of Canada, and will sign the Disarmament Treaty (if any) as a British, not as a Canadian Plenipotentiary. Whereas at Paris the Dominions were represented as such on a joint Empire Delegation, at Washington there will be only a British Delegation in which the

* 56917: not printed; it enclosed Press reports of a speech made by General Smuts on the 19th October, dealing, *inter alia*, with the representation of the Dominions at the Washington Conference.

Dominions as such will not be found. As the States of the Empire are not directly represented at Washington, the Empire will not be represented there in its full authority as a group of States, and the full weight of the British Empire will not be exerted or felt.

I have been told that I am for playing a lone hand, that I am against team work, that I do not wish to go to Washington as a member of the British Empire but favour separate action. These remarks show how completely the real position is misunderstood. I want the Paris precedent followed at Washington and every subsequent international Conference. I want the British Empire represented through its constituent equal States, there is no other way of giving it representation. The United Kingdom is not the British Empire, and the United Kingdom delegation does not become an Empire Delegation by kindly slipping in some Dominion statesmen through a back door. Unity of diplomatic and international action does not mean that the Dominions are swallowed up and lose their identity as free agents; that is the obsolete Imperialism which has disappeared for ever. Unity of action in the Empire means that a group of equal States, recognized and represented as equals, freely consult together and co-operate in their external relations. At Washington team work has been rendered impossible because the team has disappeared, and there is only a one-horse show. I have spoken because I do not want Washington to become a precedent for the future; because so far as is possible I wish to see the position put right and the Dominion representatives at that Conference formally empowered to speak and sign for their Dominions; and because I wish the American Government to understand the Dominion standpoint and recognize the Dominion status as the other Powers have recognized it at Paris with the whole-hearted advocacy and support of the British Government.

In saying what I have said I did not intend to strike a jarring note, but merely to stand up for that Dominion status which to me, and I feel sure to the nations of the Dominions, is a reality and the basic constitutional reality of our free Imperial Commonwealth. This constitutional question apart, I feel the gravest concern and the most fervent wish for the success of the Washington Conference. The eyes which once were turned to Paris, are to-day fixed on Washington. At Paris we ended the War but failed to make the peace. Will the peace be made at Washington, and the great darkness be lifted from the souls of the peoples? Away from the blood-stained soil of Europe and amid the more hopeful surroundings of the New World, a greater spirit may visit the hearts of the statesmen. The simple human ideals of faith, forgiveness and generosity may open a new chapter in our human story. The Great Pledge may be signed, the Great Prohibition passed against war and all its growing horrors. Our vast international debts may cease to breed bitterness between the nations and hold peaceful commerce down. And East and West, frightened by the spectre of the greater Armageddon looming in the future, may agree on a better way for the future. In that way the League of Nations may yet realize the great hopes and prayers which surround its birth at Paris.

Such are some of our hopes for Washington. May they not also be turned to bitter disappointment and despair.

59454

No. 312.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.45 a.m., 30th November, 1921.)

TELEGRAM.

30TH NOVEMBER. Prime Minister asks that following motion agreed to by Senate of Commonwealth Parliament be communicated to the President of United States of America:—

Begins: That this Senate tenders its deepest congratulation to the President of the American Republic, Mr. Harding, and the nations associated with him for the mighty work sought to be accomplished in bringing to an end the reign of destructive strife amongst men and leading them to believe that peace and goodwill have still a meaning for them, and trusts most earnestly that the good work so auspiciously begun will be steadfastly pursued until the Temple of Janus is permanently closed for troubled mankind. *Ends.*

—GOVERNOR-GENERAL.

61073/S

No. 313.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.30 p.m., 1st December, 1921.)

TELEGRAM.

[Answered by No. 315.]

(Paraphrase.)

1ST DECEMBER. Following for your Prime Minister from Mr. Lloyd George:—

Begins: Mr. Balfour informs me by telegraph that there is some doubt in the British Empire Delegation in view of the fact that there is no Union Plenipotentiary at the Conference regarding the position of the Union with respect to any agreement that may be signed there.

This again raises the question dealt with in your telegram of the 26th October* and examined at greater length in the statement† which you issued on 2nd November to the Press of which I have just received the full text.

You are reported to have said in that statement that "as Canada has not been invited (to the Conference) Sir Robert Borden will appear as a Member of the British Delegation, not as a representative of Canada, and will sign the Disarmament Treaty (if any) as a British not as a Canadian Plenipotentiary." You are reported in a later passage as having said that "you do not want Washington to become a precedent for the future, because you wish to see the position put right and the Dominion representatives at that Conference formally empowered to speak and sign for their Dominions." You are also reported to have stated that (in contrast to Washington) at Paris "the Dominions had all the advantages of a recognized individual status and of consultation and mutual support in the British Empire Delegation. Our individual standing was unquestioned, while our team work made us a really effective force in the Conference. This is the great precedent which settled our international status, and which I feel should be followed in the future."

On the assumption that your statement is reported correctly, it is clear that you have misunderstood the position of the Dominions' representatives at the Conference. It was in complete conformity with the Paris precedent that they were appointed not as Members of the British Delegation, but as colleagues of the British Delegates severally representing their own Dominions and forming with the British Delegates a collective British Empire Delegation. In further accordance with the precedent of the Paris Conference their full powers as plenipotentiaries for their respective Dominions were conferred upon them by His Majesty on the authority of Orders in Council passed by their respective Privy Councils. For instance, it is set out in the Canadian Order in Council that the Governor-General in Council "is pleased to order and doth hereby order that His Majesty the King be humbly moved to issue Letters Patent to the Right Honourable Sir Robert Laird Borden, etc., naming and appointing him as Commissioner and Plenipotentiary in respect of the Dominion of Canada with full powers and authority to conclude with such Plenipotentiaries as may be vested with similar power and authority on the part of any Powers or States, any treaties, conventions, or agreements in connexion with the said Conference, and to sign for and in the name of His Majesty the King in respect of the Dominion of Canada everything so agreed upon and concluded and to transact all such other matters as may appertain thereto."

This quotation shows that the position of the Dominion delegates at Washington is in fact exactly what it is urged by you that it ought to be. If my telegram of 21st October* did not make this quite plain I am sorry.

Perhaps it may be urged that though fully established by our own constitutional procedure the status of the Dominion delegates nevertheless lacks in some sort validity because it is not recognized in the method of invitation

* No. 304. † Enclosure in No. 311.

adopted by the United States. It is a fact that one of the reasons for which the Covenant was most severely criticized by the American Senate was that the British Dominions were given separate votes in the Assembly of the League. In this respect the attitude of its own leaders in the Senate no doubt governed the present American Administration. In October we could not have raised this question with them without embarrassing them with the Senate very seriously and compromising proportionately the atmosphere of the Conference. But apart from that the failure of the United States to adhere to the League of Nations has never been taken by us as invalidating the League in any sense whatever. Despite the non-adherence of the United States the status of the Dominions in the League is firmly established. Surely therefore we can afford to treat their attitude in this particular as a question of internal politics with which we are not seriously concerned. We feel this all the more strongly since they have in fact accepted separate representation of the Dominions and since the Dominion delegates at Washington will sign any agreement arrived at not as British delegates but as plenipotentiaries for their respective Dominions.

From this you will understand that the lack of a Union plenipotentiary raises a serious difficulty for the British Empire Delegation. The Union as a part of the British Empire would presumably be bound by the signatures of the British Empire Delegation as a whole in the absence of a representative to sign or withhold his signature on behalf of the Union unless some special provision were inserted to the effect that the Union was not bound but would adhere later by notification of its own Government if it thought fit. Mr. Balfour telegraphs with regard to this as follows: "Any such provision especially in any agreement for limitation of armaments would seem very undesirable. Only convenient course is to issue full powers on behalf of South Africa to one of the other delegates. General Smuts does not seem to approve of this, but any other method of dealing with the subject will land us in such difficulties that I hope he may be inclined to withdraw his objection. If this is for any reason impossible please let me know what alternative procedure you desire adopted. Above represents view of British Empire Delegations."

This request from all the representatives of the Empire on the spot you will feel, I am sure, carries great weight. If we begin to suggest special provisions in the agreement for ourselves other Powers may do the same, thus possibly endangering the whole agreement. Therefore, I hope that you will find it possible that one of the existing delegates at Washington should be appointed as plenipotentiary for the Union. If not I should be glad to know what alternative procedure you propose. Please telegraph reply.

Ends.

—CHURCHILL.

60091

No. 314.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.55 p.m., 2nd December, 1921.)

TELEGRAM.

2ND DECEMBER. Prime Minister asks that following resolutions of Senate of Commonwealth Parliament be communicated to Government of United States:—

Begins: (1) That the Senate of the Parliament of the Commonwealth of Australia notes with warm appreciation the action of the Government of United States of America in convening a Conference at Washington to discuss the question of international disarmament and the problems affecting nations with territories which bound or are included in the waters of the Pacific Ocean and expresses the most fraternal feelings towards the President, Congress, and people of the United States, and full friendship for all nations which are to be represented at the Conference.

(2) That while observing that representation at the Conference as a deliberative entity has not been accorded to the Australian Commonwealth the Senate declares its keen and full consciousness of the fact that the interests of Australia in the questions to be discussed at the Conference, particularly those affecting lands south of the Equator, are not inferior in degree and importance to those of any nation which will be represented by a special Delegation.

(3) That the Senate will carefully consider the result of the deliberations at the Conference, and, if it deems any action indicated by the participants at the Conference as conducive to the attainment of the great objectives of world peace and more friendly international intercourse, will accord its full support. *Ends.*

—GOVERNOR-GENERAL.

60890/S

No. 315.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.35 p.m., 7th December, 1921.)

TELEGRAM.

[*Answered by No. 317.*]

(Paraphrase.)

7TH DECEMBER. General Smuts asks me to transmit following message for Mr. Lloyd George in reply to your telegram of 1st December* :—

Begins: After reading your telegram of 1st December, I consider that the constitutional point raised by me is, so far as practicable, settled. I understand that the question of invitation for reasons you give could no longer be settled, but I trust that in future international conferences the Government convening the Conference will also send, through British Government, invitations to Dominion Governments. That the Dominions should have their own individual representation at Conference was the point that I was most concerned about, and I am deeply thankful that through your action this has been put right and that United States Government accepts this position. Object I had in view in raising this matter both in published statements and in my communications with you has therefore been achieved. Under these circumstances the Government of the Union of South Africa will appoint Mr. Balfour as their plenipotentiary to sign Disarmament Agreement on behalf of Union of South Africa. Necessary Executive Council resolutions will be forwarded. *Ends.*

—ARTHUR FREDERICK.

61389/S

No. 316.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.4 a.m., 10th December, 1921.)

TELEGRAM.

(Paraphrase.)

9TH DECEMBER. With reference to my telegram of 7th December,† I have approved, on the advice of my Ministers, the following Order in Executive Council :—

Begins: Whereas in connexion with the International Conference at (Washington omitted) it is expedient to invest fit persons with full powers to treat on the part of His Majesty the King in respect of the Union of South Africa with persons similarly empowered on the part of other States;

* No. 313. † No. 315.

Therefore His Royal Highness the Governor-General in Council is pleased to order and doth hereby order that His Majesty the King be humbly moved to issue Letters Patent to the Right Honourable Arthur James Balfour, one of His Majesty's Principal Secretaries of State, naming and appointing him as Commissioner and Plenipotentiary in respect of the Dominion of the Union of South Africa with full power and authority as from the eleventh of November, 1921, to conclude with such Plenipotentiary as may be vested with similar power and authority on the part of any Power or State any Treaty, Convention, or Agreement in connexion with the said International Conference, and to sign for and in the name of His Majesty the King in respect of the Dominion of the Union of South Africa everything so agreed on and concluded and to transact all such other matters as may appertain thereto.

(Signed) H. Gordon Watson, Clerk of the Executive Council.

At Government House, Pretoria, the ninth day of December, 1921. *Ends.*

Am sending by mail the original Order, which also bears my signature.—
ARTHUR FREDERICK.

61389/S

No. 317.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.30 p.m., 10th December, 1921.)

TELEGRAM.

[Answered by No. 318.]

(Paraphrase.)

10TH DECEMBER. Following is for your Prime Minister:—

Begins: Your telegram to Prime Minister of 7th December* as to Mr. Balfour's appointment as plenipotentiary to sign on behalf of Union of South Africa referred to Disarmament Agreement only. It is observed, however, that Executive Council minute of 9th December† is couched in quite general terms and refers to any treaty, agreement, etc., which may be concluded at Washington Conference. Arrangements are being made accordingly. As you know, agreements other than that concerning disarmament are pending, particularly one concerning Far East, which it is desirable should be signed for the British Empire as a whole. *Message ends.*

—SECRETARY OF STATE FOR THE COLONIES.

62212

No. 318.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.0 p.m., 14th December, 1921.)

TELEGRAM.

(Paraphrase.)

14TH DECEMBER. Following from my Prime Minister in reply to your telegram of 10th December,‡ regarding Washington Conference:—

Begins: Your telegram states position correctly. *Ends.*

—ARTHUR FREDERICK.

* No. 315.

† See No. 316.

‡ No. 317.

CO 836/9/9

Dominions

No. 82.

CONFIDENTIAL

NAVAL, MILITARY, AND AIR DEFENCE.

FURTHER CORRESPONDENCE WITH
THE SELF-GOVERNING DOMINIONS.
1921-1922.

(In continuation of Dominions No. 72: continued by Dominions No. 92.)

September, 1923.

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2 To the Governors-General and Governor, Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 431, Secret December 23	Transmits copy of Secret Memorandum by the Committee of Imperial Defence on the subject of Empire Naval Policy and Co-operation, and inquires how far Ministers will be prepared to support the recommendations ... 2
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1921	
4 The Governor-General Commonwealth of Australia, Telegram... April 5 (Rec. Apr. 5)	States that it was understood that Senior Admiralty Intelligence Officer would be loaned for duty under Commonwealth Government; as appointed at present Major Griffiths remains under Admiralty orders; but he has been authorized to act under conditions laid down by the Commonwealth Naval Board pending discussion at the June Conference of the question of interchange of officers ... 10
5 To the Governor-General Commonwealth of Australia, Telegram... May 19	States, in reply to No. 4, that Admiralty have no objection to Major Griffiths being under orders of Commonwealth Government ... 10
1922	
6 The Governor-General Commonwealth of Australia, 205 ... May 16 (Rec. June 23)	States that Captain John Robins, R.A.N., has been appointed, as from 1st July, 1922, to undertake the duties of Commonwealth representative on the Naval Staff at the Admiralty ... 10

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1922	
8 To the Governor-General 72 April 18	Transmits draft of a proposed amendment of the preamble to the Instructions for regulating the application of the Naval Discipline Act, and inquires whether Ministers concur ... 11
9 The Governor-General 189 June 30 (Rec. Aug. 14)	States, in reply to No. 8, that Ministers concur in proposed amendment ... 12
(b) Status of Dominions Navies. New Zealand.	
1921	
10 To the Governor-General 248 December 5	Transmits, for observations of Ministers, draft of an Order in Council to provide for the use of a form of Commission to be effective both in the Royal Navy and the Royal New Zealand Navy; and inquires whether, after its issue, the New Zealand Government desire H.M.S. "Chatham" and "Philomel" to become H.M.N.Z.S. "Chatham" and "Philomel" as ships of the New Zealand Naval Forces under the Dominion Naval Board ... 12
1922	
11 The Governor-General, Telegram March 27 (Rec. March 27)	States that Ministers are in agreement with terms of draft Order-in-Council except that it is desired that New Zealand Naval Force shall continue to be designated the New Zealand Division of the Royal Navy, and the ships His Majesty's ships and not His Majesty's New Zealand ships ... 13
12 To the Governor-General 145 August 5	Transmits copies of an Order-in-Council providing for the interchangeability of Commissions of Officers of the Royal Navy and of the New Zealand Naval Forces ... 13

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1921	
13 The Governor-General Commonwealth of Australia, Telegram (Rec. Jan. 15)	Understands that meeting of Commanders-in-Chief is still to take place at Singapore on 7th March, and states that Commonwealth Government desire to send representatives ... 13
14 To the Governor-General Commonwealth of Australia, Telegram January 31	States, in reply to No. 13, that proposed attendance of Naval representative of the Commonwealth Government will be cordially welcomed, and inquires name of representative ... 14
15 The Governor-General Commonwealth of Australia, Telegram (Rec. Feb. 14)	Reports the temporary appointment of Rear-Admiral Sir Percy Grant as Commander-in-Chief of the Australian Naval Station, and states that he will attend the Naval Conference at Penang ... 14

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
16 To the Governor-General New Zealand, Secret February 14	Asks whether his Government agree to principle of co-operation in time of war between China, East Indies, Australia and New Zealand Naval Forces under a higher command based on Singapore, and whether they agree to send a representative to periodic meetings of Flag Officers ... 14
17 The Governor-General New Zealand, Secret April 28 (Rec. June 13)	States that his Ministers concur generally in proposals indicated in No. 16 ... 15
18 The Governor-General New Zealand, Secret (2) May 18 (Rec. June 26)	States that Ministers suggest, with reference to Nos. 16 and 17, that meetings of Flag Officers should occasionally take place in Australasian waters, and gives reasons ... 15
19 To the Governor-General Commonwealth of Australia, Secret ... July 8	Communicates substance of Nos. 16 and 17 ... 16
20 To the Governor-General Commonwealth of Australia, Secret ... July 25	Asks whether Ministers would wish that proposed Conference of Flag Officers should take place in Australasian waters, as suggested by Government of New Zealand ... 16
21 To the Governor-General New Zealand, Secret July 25	States that date of proposed Conference of Flag Officers not yet decided, but that desire of New Zealand Government that the meeting should take place in Australasian waters, and that subsequently some of the ships of the China Squadron should visit New Zealand will be borne in mind ... 17
22 The Governor-General Commonwealth of Australia, Telegram ... November 9 (Rec. Nov. 9)	States that his Government would welcome a Conference of Flag Officers at Sydney ... 17

NAVAL CORDITE.
Manufacture in Australia.

1921	
23 To the Governor-General Telegram June 8	Communicates Admiralty recommendations respecting the development of manufacture of ammunition in Australia ... 17
24 To the Governor-General Secret June 13	Amplifies No. 23 ... 18
25 The Governor-General Telegram ... (Rec. July 2)	States that Ministers concur in visit of Inspecting Officer proposed in No. 23, and presume it will be at Admiralty expense ... 19
26 To the Governor-General Telegram July 27	States, in reply to No. 25, that Admiralty consider that expenses should be borne by Commonwealth Government, but is prepared to pay officer at his usual rate ... 19
27 The Governor-General Telegram ... (Rec. Aug. 17)	States, in reply to No. 26, that his Government will willingly pay expenses of Inspecting Officer ... 20
1922	
28 The Governor-General Secret December 8, 1921 (Rec. Jan. 21, 1922)	Forwards statement of reserves of ammunition which will be maintained in Australia for H.M.A. Ships, and observes that it is proposed to increase these reserves when funds are available ... 20

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
29 To the Governor-General Secret ... July 28	Offers a supply of ammunition at a cost of £8,500 with a view to assist the Commonwealth Government to increase their reserves ... 20
30 The Governor-General Secret ... October 28 (Rec. Dec. 19)	Confirms No. 29 ... 21

NEW ZEALAND.

Naval Defence (including appointment of Officers to "Chatham.")

1921	
31 The Governor-General 86 ... April 7 (Rec. May 20)	Transmits copy of an Order-in-Council dated 14th March, 1921, constituting a Naval Board under the Naval Defence Act, 1913 ... 21
32 The Governor-General Telegram ... (Rec. Oct. 25)	States that under present conditions it is considered more suitable that the Commodore should remain in H.M.S. "Chatham"; requests that a junior captain may be appointed as relief for Acting Captain Williams in capacity of Chief Staff Officer ... 22
33 To the Governor-General Telegram ... November 16	States, in reply to No. 32, that steps are being taken to select relief officer for Captain Williams and that Admiralty concur in suggestion that Commodore should remain in H.M.S. "Chatham" ... 23

1922

34 The Governor-General Telegram ... (Rec. Apr. 13)	Asks whether Admiralty would agree to replace "Chatham" by oil-burning cruiser of "Ceres" class together with oil tanker of "Slavel" type; vessels to commission on 1st October, 1923, when "Chatham" would pay off in England ... 23
35 To the Governor-General Telegram ... July 12	States that an oil-burning cruiser to replace the "Chatham" may be available at the middle of 1924; remarks that the question of storage of oil fuel is under consideration ... 23
36 The Governor-General Telegram, Secret ... (Rec. Aug. 3)	Transmits message from Prime Minister; requests authority to make a statement to Parliament on lines indicated setting forth present Admiralty views on New Zealand naval policy ... 24
37 The Governor-General Telegram, Personal and Private ... August 6 (Rec. Aug. 6)	Communicates message for Admiralty expressing his opinion that permission requested in No. 36 would strengthen the Prime Minister's position in framing a naval policy ... 24
38 To the Governor-General Telegram, Secret ... August 10	States that Admiralty concur generally in methods of assistance outlined in No. 36, but suggest emphasis be laid on points specified; also states that there is no objection to communication of these views in proposed statement ... 24
39 To the Governor-General Telegram, Secret ... August 10	States that Admiralty still favour Singapore as chief Pacific naval base, but desire specific mention of Singapore be excluded from statement to Parliament ... 25
40 The Governor-General Telegram ... August 16 (Rec. Aug. 16)	Reports main features of Prime Minister's Budget statement, including references to naval policy ... 25

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
41 The Governor-General Telegram ... August 18 (Rec. Aug. 18)	Regrets that Admiralty are unable to replace "Chatham" by October, 1923, but hopes that oil-burning cruiser and tanker will be ready by August, 1924; trusts that to meet difficulty it may be possible to extend for one year the service of officers and men whose services can be spared ... 25
42 The Governor-General Confidential ... July 21 (Rec. Sept. 20)	Submits for concurrence of Admiralty that ship destined to replace "Chatham" be renamed "New Zealand" on commissioning for that purpose ... 26
43 To the Governor-General Telegram ... October 5	States that Admiralty agree to an extension for another year of engagements of loaned personnel on conditions indicated ... 26
44 To the Governor-General 203 ... October 5	Confirms and amplifies No. 43 ... 26
45 To the Governor-General Confidential ... October 11	States that Admiralty agree that the ship destined to replace "Chatham" should be renamed "New Zealand," and the necessary orders will be issued in due course ... 27
46 The Governor-General Telegram ... December 22 (Rec. Dec. 22)	Expresses hope that Admiralty will agree to lend for three years under previous conditions 200 officers and men required for extension of commission of "Chatham"; states that lists of various ranks required will be sent by mail; and requests that early action be taken to call for volunteers ... 27

OFFER OF WARSHIPS.

(a) General.

1921	
47 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 442 ... October 20	Inquires whether the Dominion Governments agree that the responsibility of His Majesty's Government for satisfactory stability, seaworthiness, etc., of those of His Majesty's ships handed over to the Dominion Governments should cease from the date of transfer 27
48 The Governor-General Canada, 708 ... November 30 (Rec. Dec. 19)	States, in reply to No. 47, that Ministers concur in the view that Admiralty responsibility for His Majesty's ships controlled by Dominion Governments should cease from the date of the handing over of the vessels to the representatives of the Government concerned ... 28
1922	
49 The Governor-General Union of South Africa, 767 ... December 15, 1921 (Rec. Jan. 10, 1922)	Transmits Ministers' Minute concurring in views expressed in No. 47, and suggesting that date of handing over H.M.S. "Crozier," "Eden," and "Foyle" should be the dates upon which these vessels sailed from Devonport ... 28
50 The Governor Newfoundland, 11 ... January 20 (Rec. Feb. 1)	States that Ministers concur in proposal in No. 47 ... 29
51 To the Governor-General Union of South Africa, 55 ... February 3	States that the Admiralty concur that the dates of transfer to the Union Government of the "Crozier," "Foyle," and "Eden" shall be the dates specified in No. 49 ... 29

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
52 The Governor-General Commonwealth of Australia, 5 ... January 6 (Rec. Feb. 18)	States that Ministers concur in proposal in No. 47 ... 29
53 The Governor-General New Zealand, 5 ... January 11 (Rec. Feb. 25)	States that Ministers concur in proposal in No. 47 ... 30
54 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions, 486 ... December 29	Inquires, with reference to No. 47, whether Ministers would agree to accept responsibility for the efficiency of armaments, stores, and ammunition of ships transferred to the Dominion Governments as from the date of issue or supply ... 30

(b) Australia.

(1) Gift of Coastal Motor Boats.

1921	
55 The Governor-General Telegram, Confidential February 24 (Rec. Feb. 24)	States that his Ministers request that Admiralty be asked to make a free gift to Australian Government of a number of coastal motor boats for defence purposes; a volunteer reserve force of yachtsmen will be available to man vessels in emergencies ... 31
56 To the Governor-General Telegram, Confidential May 5	States, in reply to No. 55, that Admiralty will present four coastal motor boats to Commonwealth Government subject to provision stated ... 31
57 The Governor-General Telegram, Confidential May 23 (Rec. May 23)	States that Commonwealth Government have decided to decline offer of Admiralty to supply coastal motor boats ... 31

(2) Use of Secret Patent.

1921	
58 The Governor-General Secret ... November 29, 1920 (Rec. Jan. 11, 1921)	Communicates message for Admiralty accepting certain responsibility with regard to apparatus supplied to Royal Australian Navy ... 31

(c) New Zealand.

Gift of Guns.

1921	
59 To the Governor-General Telegram ... February 23	States that the four guns presented to New Zealand were shipped in the s.s. "Port Darwin," which sailed from London on the 8th February ... 32

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
OFFER OF MINES AND SINKERS.	
1921	
60 The Governor-General New Zealand, Telegram (Rec. July 12)	Inquires whether any mines and sinkers could now be presented to New Zealand, and, if so, the number and type of such mines available ... 32
61 To the Governor-General New Zealand, Telegram August 16	Regrets that no mines are now available for presentation ... 33

RECIPROCAL UTILIZATION OF NAVAL PERSONNEL ON MOBILIZATION.

1922	
62 The Governor-General Union of South Africa, 173 ... April 20 (Rec. May 9)	Transmits Ministers' Minute submitting that the Union Government should have the call on the services of Reservists domiciled in the Union and intimating the proposal to ask Parliament to amend Section 124 of the South Africa Act as indicated in enclosed annexure, also drawing attention to the provision for release of individuals for Imperial Service if specially required ... 33
63 The Governor-General Union of South Africa, Telegram ... May 11 (Rec. May 12)	States that Bill containing amendment referred to in No. 62 has now passed Committee stage and third reading in House of Assembly, and asks for early advice if His Majesty's Government see any objection to the proposal so that Ministers may consider the matter before Committee stage is reached in the Senate ... 34
64 To the Governor-General Union of South Africa, Telegram ... May 26	Sets forth views of Admiralty regarding amendment proposed in Nos. 62 and 63, and states that views of Army Council and Air Council will be communicated at an early date ... 35
65 To the Governor-General Union of South Africa, Telegram ... June 14	Conveys views of Air Council and Army Council on amendment proposed in No. 62 ... 35
66 To the Governor-General Union of South Africa, 181 ... June 15	Transmits copy of a letter from the War Office regarding the position of Army Reservists resident in the Dominions ... 35
67 The Governor-General Commonwealth of Australia, Confidential June 2 (Rec. July 25)	Transmits copy of a letter from the Admiralty to the High Commissioner in London submitting a scheme for reciprocal utilization of naval personnel in mobilized areas, and states that the Commonwealth Government agrees to the arrangements suggested... 37
68 The Governor-General Union of South Africa, 528 ... September 23 (Rec. Oct. 17)	Transmits Ministers' Minute submitting observations on views of Admiralty, War Office, and Air Ministry on the position of Reservists of the Imperial Forces under the South Africa Defence Act Amendment Act of 1922 ... 39
69 Admiralty Confidential ... November 18	Quotes existing Royal Fleet Reserve Regulations and submits suggestions for their application to Reservists in the Dominions; inquires whether Canada and the Commonwealth would make the necessary arrangements and states that arrangements in other Dominions and Colonies would be made by the local Senior Officer, R.N. ... 40
70 To the Governor-General Union of South Africa, Confidential ... November 24	Asks for further information on points enumerated respecting the position under the South Africa Defence Amendment Act of the personnel of the Naval Reserve ... 42

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
71 The Governor-General Commonwealth of Australia, Confidential October 29 (Rec. Dec. 8)	Suggests, with reference to No. 67, that officers of the Royal Naval Volunteer Reserve domiciled in Australia be given the option of volunteering for service in the Royal Navy or the Royal Australian Navy, and, if the proposal is approved, requests names and addresses of officers at present in the Commonwealth ... 43
72 To the Governors-General Canada, Commonwealth of Australia, Confidential December 16	Transmits copy of No. 69 ... 43
73 To Admiralty Confidential ... December 28	Comments on Admiralty action in communicating direct with the High Commissioners of Dominions on matter referred to in No. 69, and states that in the circumstances the Secretary of State has no option but to forward to Canada and the Commonwealth copies of No. 69 ... 43

UNION OF SOUTH AFRICA.
Naval Defence.

1921	
74 The Governor-General Telegram ... January 28 (Rec. Jan. 29)	States that Admiralty offer of vessels for mine-sweeping is receiving consideration, but vessels of classes offered are not likely to be found suitable, and Ministers inquire whether vessels of type indicated could be made available ... 44
75 The Governor-General Confidential ... April 13 (Rec. May 9)	Transmits copy of Ministers' Minute forwarding a memorandum describing a mine-sweeping scheme for South Africa and stating that Ministers are in favour of its adoption, and hope soon to be in a position to state their requirements regarding vessels for training purposes ... 45
76 The Governor-General Telegram ... May 19 (Rec. May 20)	States Ministers' views on paragraphs 3 and 7 of the letter of 24th April from the Naval Commander-in-Chief, Cape Station, to the Admiralty (enclosure in No. 77) ... 45
77 The Governor-General Confidential ... April 30 (Rec. May 24)	Transmits copy of a letter from the Naval Commander-in-Chief containing report to the Admiralty on the mine-sweeping scheme submitted in No. 75, and making recommendations regarding classes of vessels required ... 46
78 The Governor-General Confidential ... May 26 (Rec. June 13)	Transmits copy of Ministers' Minute inquiring as to suitable vessels and staffs for survey purposes, and suggesting an arrangement whereby Naval Officers will be available to carry out Union naval measures ... 48
79 To the Governor-General Confidential ... June 18	Transmits copy of a letter from the Admiralty regarding vessels available for mine-sweeping and surveying in South African waters ... 49
80 To the Governor-General Confidential ... July 23	States that members of Union Defence Department have been supplied with the necessary information respecting requirements of mine-sweeping and hydrographic services ... 50
81 To the Governor-General 296 ... September 2	Transmits copy of a letter from the Admiralty approving the loan of Lieut. Commander Buckland to the Union Government in connexion with the mine-sweeping organization ... 50

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1921	
82 To the Governor-General 317 ... September 26	Transmits copy of a letter from the Admiralty regarding the arrangements for the transfer to the Union Government of a surveying sloop and two mine-sweeping trawlers ... 51
1922	
83 The Governor-General 278 ... June 9 (Rec. June 27)	Transmits Ministers' Minute requesting the loan of a Senior Lieut. Commander for two clear years to command the "Crozier," and inquiring whether Admiralty would grant on recommendation of this officer surveyor's certificates to officers working under him; also stating proposals for appointment of junior officers and the work on which the vessel will be engaged ... 55
84 Admiralty September 12	States that no suitable officer for the "Crozier," either Active Service or retired, is at present available ... 56
85 To the Governor-General Telegram ... September 14	States, in reply to No. 83, that no suitable officer is at present available ... 57
86 The High Commissioner for South Africa to the Minister of Defence, Pretoria Telegram, 686 September 21	States terms on which a suitable officer for the "Crozier" might be available, and requests telegraphic approval ... 57
87 To the Governor-General 258 ... September 28	Transmits for information copy of Nos. 84 and 86 and replies to certain points raised in No. 83 ... 57
88 The Governor-General 582 ... November 9 (Rec. Dec. 5)	Transmits copy of Ministers' Minute notifying renaming of the survey sloop and mine-sweeping trawlers of the South African Naval Service ... 58

MILITARY.

**CHANNEL OF COMMUNICATION OF ARMY CONFIDENTIAL
DOCUMENTS.**

1921	
89 To War Office November 22	Transmits copy of letter from the High Commissioner for the Commonwealth of Australia regarding the channel for communicating confidential documents from the War Office to the Commonwealth Defence Department, and states that it is proposed to reply that there is no objection to documents dealing with purely military matters being sent through the Military Adviser in the High Commissioner's office, but that papers dealing with policy or affecting other Departments should be sent through the Colonial Office ... 59
1922	
90 War Office February 14	Concurs in terms of reply to High Commissioner's letter enclosed in No. 89, and suggests the application of a similar procedure in the cases of Canada, New Zealand, and South Africa ... 60
91 The Governor-General New Zealand, Secret April 10 (Rec. May 18)	Remarks on receipt of copies of Secret Document marked "A.2438: Report of the President of the Ordnance Committee for the Half-Year ending 31st December, 1921," and suggests that War Office be asked to transmit secret or confidential documents for the information either of Governor-General or Ministers through Colonial Office ... 60
92 War Office Secret... August —	Inquires whether the Colonial Office concurs in continuance of existing arrangements as described for the despatch of War Office cyphers to the Dominions and Colonies ... 61

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
93 To War Office Secret... .. August 29	Replies affirmatively to inquiry in No. 92 ... 61
94 War Office Secret... .. September 15	Summarizes proposals for future procedure regarding transmission of secret and confidential documents (other than cyphers) to Dominions, and requests concurrence on certain points ... 61
95 To War Office Secret... .. October 10	Concurs in proposals in No. 94 and adds that as at present advised the periodical notifications referred to in paragraph 5 are considered unnecessary ... 62

MILITARY DEFENCE:—UNION OF SOUTH AFRICA AND WAR DEPARTMENT PROPERTY.

1920	
96 The Governor-General Secret... .. January 21 (Rec. Feb. 11)	Transmits copy of Ministers' Minute expressing desire to conclude a definite agreement at an early date for the acquisition of certain property and interests of the War Department in South Africa ... 63
97 The Governor-General Telegram April 1 (Rec. April 3)	States that Ministers ask that the decision of the Imperial Government regarding the disposal of military cantonments within the Union may be conveyed to them at an early date ... 63
98 To the Governor-General Telegram May 6	States that the General Officer Commanding, South Africa, has been instructed to sell by auction all War Department freehold property in South Africa other than in Cape Peninsula ... 64
99 To the Governor-General 202 May 11	Transmits copy of letter to the General Officer Commanding, South Africa, conveying instructions respecting the sale of War Department freehold property in South Africa other than in the Cape Peninsula ... 64
100 The Governor-General Telegram May 21 (Rec. May 22)	States that his Government desire to have the opportunity of making an offer to purchase all War Department lands and interests in the Union (except property in the Cape Peninsula actually in use for military purposes) before steps are taken to dispose of it by public auction ... 65
101 The Governor-General 300 May 21 (Rec. June 8)	Transmits Ministers' Minute confirming No. 100 and submitting suggestions as to the method of procedure regarding the disposal of War Department property ... 65
102 To the Governor-General 479 November 30	Transmits copy of letter to the General Officer Commanding South Africa, approving the suggestion that a conference be held locally to discuss the question of the disposal of military property and outlining the position of the War Department in the matter ... 67
103 The Governor-General Secret December 8 (Rec. Dec. 29)	Transmits Ministers' Minute suggesting that the questions of the disposal of military property in South Africa and the policy to be adopted with regard to military defence of South Africa should be discussed at the meeting of Prime Ministers in June, 1921; and asking that, pending discussion, no action for the disposal of military property be taken 67
1921	
104 To the Governor-General Telegram February 17	States that His Majesty's Government will be glad to discuss with Union Ministers in London, next June, the questions referred to in No. 103 ... 70

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page.
1921	
105 The High Commissioner Secret January 31 (Rec. March 1)	Transmits copy of a memorandum (with the conclusions in which he, the High Commissioner, agrees generally) by the Imperial Secretary discussing the question of the military defence of the territories administered under the High Commission, and suggesting that the Commandant-General of the Rhodesia Forces should attend the June Conference; inquiries whether he may send officially copy of the memorandum to the General Officer Commanding, South Africa ... 70
106 To the Governor-General Secret March 24	Transmits copy of letter from War Office agreeing to suspend action respecting the disposal of military property pending the result of the June Conference 75
107 To the High Commissioner Telegram April 6	States that it is not considered desirable that the memorandum enclosed in No. 105 should be communicated officially to the General Officer Commanding, South Africa; nor is it thought necessary to invite the Commandant General of the Rhodesian Forces to attend the June Conference ... 76
108 To the High Commissioner Secret April 8	Amplifies No. 107 ... 76
109 To War Office and Admiralty Secret July 28	Transmits copy of correspondence with the Prime Minister of the Union of South Africa relative to the defences at Simonstown ... 77
110 To the Governor-General Secret September 19	Sets forth the terms and conditions of the agreement arrived at in consultation with the Union representatives regarding the transfer of military lands and buildings; and requests Ministers' formal acceptance ... 78
111 To the Governor-General Secret (2) September 19	States that the Army Council desire to express their appreciation of the manner in which the question of the transfer of military lands and buildings has been discussed by the Union representatives ... 82
112 To the Governor-General Secret September 26	Notifies decision to hand over to the Union Government as from 1st December, 1921, the responsibility for the Cape Peninsula defences and requests that the name of the officer to whom the transfer shall be made, be communicated to General Carter; asks for assurances as to the maintenance of adequate defences at Simonstown and encloses Army Council memorandum on the transfer ... 82
113 The Governor-General Secret (2) October 26 (Rec. Nov. 15)	States that No. 112 has been referred to Ministers for consideration; transmits copy of Ministers' Minute intimating that the South African Military Command should be handed over to Col. W. E. C. Tanner ... 84
114 The Governor-General Secret (3) October 26 (Rec. Nov. 15)	Transmits copy of Ministers' Minute expressing appreciation of the attitude of His Majesty's Government regarding the transfer of the Cape Peninsula defences and giving assurances asked for in No. 112, also asking whether the papers specified may be laid before the Union Parliament ... 85
115 To the Governor-General Secret December 13	States, in reply to No. 114, that His Majesty's Government have no objection to the documents referred to being laid before the Union Parliament ... 86
116 The Governor-General 761 December 1 (Rec. Dec. 29)	Reports proceedings on the transfer of the Military Command to the Union on the 1st December, 1921. 86

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
117 The Governor-General Secret ... February 8 (Rec. March 1)	Transmits copy of Ministers' Minute accepting the terms and conditions of the settlement in connexion with the transfer of military land and buildings, and expressing appreciation of the consideration shown in the negotiations ... 87
118 The Governor-General Telegram ... June 1 (Rec. June 1)	Reports motion in House of Assembly for second reading on 1st June of the Defence Endowment Property and Account Bill and indicates the scope of the Bill ... 87
119 The Governor-General Confidential (2) Extract ... June 9 (Rec. June 26)	Reports on the debate in House of Assembly on the second reading of the Defence Endowment Property and Account Bill ... 88

MILITARY LIAISON.

Loans, Attachments and Interchanges.

1921	
120 To the Governors-General Commonwealth of Australia 45, New Zealand 22 ... January 21	Transmits copy of extract from a despatch from the Indian Government enclosing for approval draft regulations governing the deputation of officers to India from the Dominions and submitting proposals for allotting nine vacancies annually at the Senior Officers' School to Australian and New Zealand officers ... 89
121 The Governor-General New Zealand 72 ... April 18 (Rec. June 9)	States that offer made in No. 120 regarding Senior Officers' School, India, is appreciated, but cannot be taken advantage of during 1921; also states that the draft Regulations are acceptable, but suggests a slight amendment ... 89
122 To the Governors-General Commonwealth of Australia 238, New Zealand 120 ... June 17	Communicates proposal to allot four vacancies for the second course at the Senior Officers' School in India to Australian and New Zealand officers, and requests Dominion Governments to submit their views direct to the Indian Government ... 90
123 To the Governor-General Commonwealth of Australia, Confidential ... July 7	Replies to certain points raised in the Governor-General's despatch of the 12th October, 1920, with regard to the Army Council's Memorandum on loans, attachments and interchanges of military officers of the Empire ... 90
124 The Governor-General Commonwealth of Australia, 201 ... June 9 (Rec. July 20)	Conveys observations on the draft Regulations enclosed in No. 120 which are generally acceptable to the Commonwealth Government; requests fuller information respecting the course at the Senior Officers' School, and considers it unlikely that more than two officers will be sent each year ... 91
125 To the Governors-General Commonwealth of Australia, New Zealand, Telegram ... August 23	States that ten vacancies in third Senior Officers' course have been reserved for Dominion Governments, and requests that number accepted be telegraphed direct to Indian Government; presumes that no vacancies will be required for the second course ... 92
126 To the Governors-General and Governor Canada 583, Union of South Africa 949, New- foundland 153 ... October 24	Transmits copy of enclosure in No. 120, and inquires whether the proposed arrangements are acceptable to the Dominion Governments ... 92
127 The Governor-General Canada, 692 ... November 22 (Rec. Dec. 6)	States, in reply to No. 126, that the draft regulations are acceptable to the Canadian Government, and they consider it desirable to send a Canadian officer to India each year, but action must be deferred until money is available ... 92

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1921	
128 To the Governors-General and Governor Canada 723, New Zea- land 254, Union of South Africa 409, New- foundland 193 ... December 20	Transmits copy of an Indian Army Order respecting the Senior Officers' School at Belgaum ... 93
129 To the Governor-General Commonwealth of Australia, 502 ... December 20	Transmits copy of an Indian Army Order containing information regarding the Senior Officers' School at Belgaum ... 93
1922	
130 The Governor-General Union of South Africa, 766 ... December 15, 1921 (Rec. Jan. 10, 1922)	Transmits copy of Ministers' Minute stating that the arrangements suggested in No. 126 are acceptable to the Union Government, but it is not proposed to send any officers to India at present ... 93
131 The Governor-General New Zealand, 281 ... December 12, 1921 (Rec. Jan. 24, 1922)	Submits interim proposals for an interchange of officers between the New Zealand Forces and the Imperial and Indian Armies, and states that Ministers hope to make comprehensive proposals in the near future regarding the training, interchange, and attachment of New Zealand officers ... 94
132 The Governor Newfoundland, 6 ... January 13 (Rec. Feb. 1)	States, in reply to No. 132, that Ministers have no objection to the draft regulations; but in view of the proposed disbandment of the Military Establishment of the Newfoundland Regiment, the Colony is little concerned in the matter ... 95
133 To the Governor-General New Zealand, Telegram ... April 22	States that the Army Council has no objection to an interchange of one officer per annum between the British Army and the New Zealand Forces, as proposed in No. 131, subject to condition indicated ... 95
134 To the Governor-General New Zealand, Telegram ... May 25	Requests information respecting the sending of New Zealand officers for training in India during 1922 ... 95
135 The Governor-General New Zealand, Telegram ... June 7 (Rec. June 7)	States, in reply to No. 134, that New Zealand Government does not propose to send any more officers to India for attachment, but they would like Government of India to take three New Zealand officers per annum under conditions set out in No. 131 ... 96
136 The Governor-General New Zealand, Telegram ... June 16 (Rec. June 16)	Inquires, with reference to No. 133, whether Army Council will agree to an exchange of three officers per annum between the British Army and the New Zealand Forces instead of one, adding desire that exchange be with units serving in India ... 96
137 To the Governor-General New Zealand, Telegram ... June 29	States, in reply to No. 135, that Government of India cannot accept offer of New Zealand officers for attachment to Indian Army unless New Zealand Government pays all charges, including passages, pay, and allowances ... 96
138 To the Governor-General New Zealand, Telegram ... August 28	Inquires whether his Government desire to limit proposed interchange of officers to British Army units in India ... 96
139 The Governor-General New Zealand, Telegram September 13 (Rec. Sept. 13)	Replies to inquiry in No. 138 ... 97

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
RESERVE OF OFFICERS.	
Provision of Passages for Officers on the Reserve List on Mobilization.	
1922	
140 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 258, Secret July 28	Submits proposals for providing passages on mobilization to officers on the Reserve List resident in the Dominions and requests views ... 97
141 The Deputy Governor-General Canada, Secret August 20 (Rec. Aug. 31)	States that his Government has no objection to proposal in No. 140 as far as officers on the Reserve List resident in Canada are concerned ... 98
142 The Acting Governor Newfoundland, Secret September 11 (Rec. Sept. 25)	States that Ministers have no objection to arrangement suggested in No. 140 so far as officers on the Reserve List resident in Newfoundland are concerned ... 98
143 The Governor-General Union of South Africa, Secret (2) September 23 (Rec. Oct. 17)	Transmits Ministers' Minute stating that there is no objection to the arrangement suggested in No. 140 so far as officers on the Reserve List resident in the Union are concerned ... 98
144 The Governor-General New Zealand, Secret October 6 (Rec. Nov. 21)	States that his Government concurs in arrangements proposed in No. 140 ... 99
145 The Governor-General Commonwealth of Australia, Secret October 30 (Rec. Dec. 8)	States that the arrangement suggested in No. 140 is acceptable to the Commonwealth Government ... 99

WAR MEDALS.**(a) Incidence of cost of 1914-1915 Stars.**

1920	
146 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 464 November 17	Gives particulars of the cost of 1914-1915 Stars issued to Dominion Governments, and inquires of each Government whether it desires to bear its portion of the total cost ... 100
1921	
147 The Governor-General Union of South Africa, 836 December 22, 1920 (Rec. Jan. 11, 1921)	Transmits Ministers' Minute stating that Union Government is quite prepared to bear the cost of the 1914-1915 Stars issued to Union Forces, and the High Commissioner in London is being instructed to make the necessary payments ... 100
148 The Governor Newfoundland, S January 14 (Rec. Feb. 9)	States that Ministers will assume liability for the cost of the Stars issued to them, and will be prepared to make a remittance on receipt of a definite statement of cost ... 101
149 The Governor-General New Zealand, 40 February 27 (Rec. Apr. 11)	States that as Ministers are of opinion that the high value placed on medals by soldiers would be lessened if these were provided at cost of New Zealand Government they consider it inadvisable to undertake any financial obligation ... 101
150 The Governor-General Commonwealth of Australia, 105 March 23 (Rec. May 9)	States that the Commonwealth Government will willingly pay for the Stars issued to them, but asks for advice as to the reason for the difference in the amount charged by the War Office and the Admiralty as the Stars are identical ... 101

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1921	
151 To the Governor-General Commonwealth of Australia, 261 July 2	Explains the apparent discrepancy between the amounts charged for Stars by the Admiralty and War Office referred to in No. 150 ... 102
152 The Governor-General New Zealand, 155 July 30 (Rec. Sept. 19)	States that Ministers regret that agreement to bear cost of medals and ribands allocated by New Zealand Government was overlooked, and that High Commissioner has been requested to make necessary payment ... 102
153 The Governor-General Canada, Telegram October 15 (Rec. Oct. 15)	States that the question referred to in No. 146 has been considered by the Militia Council, which has decided that the matter had better stand over until the end of the year ... 103
1922	
154 To the Governor-General Canada, 24 January 11	Requests early decision regarding inquiry in No. 146... 103
155 The Governor-General Canada, 85 February 20 (Rec. Mar. 6)	States that the Canadian Government will defray the cost of Stars issued to the Canadian Expeditionary Force ... 103
(b) Forfeiture and Restoration.	
1921	
156 The Governor-General Commonwealth of Australia, Telegram March 2 (Rec. Mar. 2)	Inquires whether the Army Council would object to the powers of deprivation and restoration of War medals being exercised by the Military Board in relation to the Australian Military Force ... 104
157 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 134 April 9	Transmits copies of Army Council Instruction No. 75 of 1921 respecting the forfeiture and restoration of War medals, together with an explanatory memorandum ... 104
158 To the Governor-General Commonwealth of Australia, Telegram May 12	States that Army Council inquire whether difficulty referred to in No. 156 is not removed by Army Council Instruction No. 75 of 1921 ... 105
159 The Governor-General Commonwealth of Australia, Telegram July 9 (Rec. July 9)	Explains, in reply to No. 158, that Ministers advise that Army Council Instruction No. 75 does not remove difficulty, and they urge the early issue of delegation to Australian Military Board ... 105
160 To the Governor-General Commonwealth of Australia, Telegram August 12	States, in reply to No. 159, that Army Council agree to the delegation to the Australian Military Board of powers of deprivation and restoration of War medals on the understanding that there is no intention to depart from Army Council principles, as expressed in Instruction No. 75 of 1921 ... 106
161 The Governor-General Commonwealth of Australia, Telegram September 14 (Rec. Sept. 14)	Desires delegation to Australian Military Board of powers of forfeiture of War Medals of officers and soldiers and restoration in case of officers ... 106
162 The Governor Newfoundland, 187 September 15 (Rec. September 29)	States, in reply to No. 157, that Ministers have the matter under consideration, and are proposing to introduce legislation next session ... 106
163 To the Governor-General Commonwealth of Australia, Telegram October 29	States, in reply to No. 161, that Army Council agree to delegation to Board of powers of forfeiture of War Medals of soldiers, but desire that cases of forfeiture by officers be referred to them, and request information regarding the principle on which the Board would work in such cases ... 107

FURTHER CORRESPONDENCE WITH THE SELF-GOVERNING
DOMINIONS, 1921-1922.

RESOLUTIONS OF
IMPERIAL WAR CONFERENCE, 1917.

RESOLUTION II.: UNIFORMITY OF EQUIPMENT.

That this Conference, recognizing the importance of assimilating as far as possible the military stores and equipment of the Imperial forces throughout the Empire, recommends that an expert Committee representative of the military authorities of the United Kingdom, the Dominions, and India be appointed as early as possible to consider the various patterns in use with a view to selecting standard patterns for general adoption as far as the special circumstances of each country admit;

and

RESOLUTION III.: TRAINING OF ORDNANCE PERSONNEL.

This Conference is of opinion that it is desirable that the ordnance personnel of the military organizations of the Empire should, as far as possible, be trained on the same methods and according to the same principles, and that to secure this end selected officers of the ordnance service from all parts of the Empire should be attached for adequate periods to the Imperial Ordnance Department.

(See pages 2-9 of *Dominions No. 72.*)

1423

No. 1.
CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1 a.m., 10th January, 1922.)

TELEGRAM.

9TH JANUARY. Your despatch 16th November, No. 631,* my Ministers state that Lieutenant-Colonel W. G. Beeman, D.S.O., Royal Canadian Artillery, has been selected by Government of Canada to succeed Lieutenant-Colonel T. V. Anderson, D.S.O., as associate member of Standing Committee to consider question of future military clothing and equipment. Lieutenant-Colonel Beeman will report Staff College, Camberley, this month for purpose of taking two years' course, and Minister of Militia and Defence would be grateful if meeting of Committee could be so arranged that his work at Staff College will not be affected.—BYNG.

* 56191: not printed.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1921	
164 The Governor-General Commonwealth of Australia, Telegram ... December 2 (Rec. Dec. 2)	Remarks, with reference to No. 163, on certain classes of cases in view, and states that the Military Board while desiring to conform to general principles consider it essential that they should have full powers of restoration and forfeiture of War Medals in all cases without reference to the Army Council ... 107
165 To the Governor-General Commonwealth of Australia, Telegram ... December 22	Indicates classes of cases where restoration of Medals should be approved by the Military Board ... 108
1922	
166 The Governor-General Commonwealth of Australia, Telegram ... January 25 (Rec. Jan. 25)	States that Ministers represent that local administration is most desirable, and ask for consideration of amendment of Royal Warrants to confer on Military Board in relation to the Australian Military Forces the same discretion as the Army Council in forfeiture and restoration of War Medals ... 108
167 To the Governor-General Commonwealth of Australia, Telegram ... May 19	States, in reply to No. 166, that the Army Council agree to delegation to the Australian Military Board of powers of forfeiture and restoration of War Medals of officers and soldiers of the Australian Military Force with exception mentioned where powers are delegated to the Governor-General ... 108

(c) Institution of an Imperial General Service Medal.

1922	
168 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 111 ... April 5	Encloses draft Army Orders sanctioning the grant of, and defining eligibility for, the Imperial General Service Medal, and draft Army Orders defining the theatre of war and closing dates for the Victory Medal (with remarks on the extension of the qualifying period in certain areas) and the spheres of operation for the British War Medal ... 108
169 The Governor Newfoundland, 32 ... June 12 (Rec. June 26)	States, in reply to No. 168, that matter is considered not to concern Newfoundland directly, and no action can usefully be taken ... 110

CENSORSHIP.

1922	
170 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 425, Secret December 16	Transmits for observations draft revised Cable and Radiotelegraphic Censorship scheme ... 110

RESOLUTION IV.: NAVAL DEFENCE.

That the Admiralty be requested to work out immediately after the conclusion of the War what they consider the most effective scheme of Naval Defence for the Empire for the consideration of the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary in that respect for the Empire's future security.

(See pages 10-24 of *Dominions No. 72.*)

60480/S

No. 2.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 431.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	
(Secret.)	

[MY LORD,] [SIR,]

Downing Street, 23rd December, 1922.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, the enclosed copy of a Secret Memorandum prepared for the Committee of Imperial Defence (No. 176-C.) on the subject of Empire Naval Policy and Co-operation.

2. In accordance with the resolution adopted at the Imperial Meeting of Prime Ministers and representatives of the United Kingdom, the Dominions, and India in 1921 (see "VI, Imperial Defence (Naval)" on page 6 of the Summary of Proceedings and Documents: [Cmd. 1474]), the preparation of this Memorandum was deferred pending the results of the Washington Conference. In this connexion reference is also invited to document E.4, Secret, Empire Naval Policy and Co-operation, which was circulated to the Prime Ministers of the Dominions prior to the Imperial Meeting. It will be observed that no reference is made in the Memorandum to the Mobile Base proposals which were contained in E.4, this scheme being still under the consideration of the Admiralty.

3. The Memorandum deals only with the situation which will arise when the terms of the Washington Agreement have been carried out. At the present time His Majesty's Government have scrapped capital ships in accordance with the Washington Treaty, while no such reduction in naval strength has yet been effected by the United States of America or Japan, both of which Powers, it is understood, are awaiting ratification of the Treaty by France and Italy before taking any action in the matter. Should the Washington Treaty not ultimately be ratified by the other Powers, the situation described in the Memorandum will be materially altered.

4. His Majesty's Government feel sure that the Memorandum will receive the fullest consideration from your Ministers, and will be grateful for any observations which they may have to offer on the Memorandum generally, and in particular for information how far they will be prepared to co-operate on the lines suggested.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 2.

(Secret, 176-C.)

COMMITTEE OF IMPERIAL DEFENCE.

The Washington Conference and its Effect upon Empire Naval Policy and Co-operation.

NOTE BY THE FIRST LORD OF THE ADMIRALTY.

It will be remembered that at the Imperial Conference last summer the formal resolution which was adopted and published with regard to the naval defence

of the Empire contained a provision to the effect that any recommendations with regard to the method and extent of co-operation among the various portions of the Empire should be deferred until after the Washington Conference.

The results of the Washington Conference have now been published. Its effect upon Empire naval policy is considered in the attached Memorandum prepared by the Naval Staff, in which I concur, and which summarizes the recommendations of the Admiralty as to the method and extent of future co-operation between the various portions of the Empire.

L OF F.

Admiralty.

28th July, 1922.

MEMORANDUM BY THE NAVAL STAFF.

1. Subsequent to the Imperial Conference of 1921, three Agreements have been entered into which directly affect the Naval Defence of the Empire.

- (a) The Treaty for the Limitation of Naval Armaments.
- (b) The Quadruple Treaty.
- (c) The Root Resolutions regarding Submarine Warfare.

2. The effect of each of the above Agreements will be dealt with separately.

The Treaty for the Limitation of Naval Armaments.

3. The Treaty for the Limitation of Naval Armaments mainly affects three classes of vessels—Capital Ships, Aircraft Carriers, and, to a lesser degree, Light Cruisers.

4. The Admiralty have not recommended that ships of either of these first two classes should be included in Dominion building programmes for the next few years, although it is to be hoped that by the end of the ten years' holiday in Capital Ship construction, which forms a part of the Washington programme, the Dominions will be in a better position to assist in this most expensive but important portion of the burden of naval defence.

The only Capital Ship now included in Dominion Navies is H.M.A.S. "Australia," which has to be scrapped under the Washington Agreement.

5. Agreement was reached that Light Cruisers should not exceed 10,000 tons displacement, nor carry a gun with a calibre in excess of 8 inches.

No limitation was, however, placed on the number of vessels of this class which may be constructed, and in view of the world-wide commitments of the Empire, the provision of this class of vessel is still a matter of the first importance.

6. In classes of ships other than the above no agreement was reached, and reduction in expenditure on these classes of vessels can only be made to such a degree as the requirements of the naval defence of the Empire will permit.

7. *The strategic position in the Western Pacific has been adversely affected for the following reasons:—*

- (a) At Hongkong neither the existing naval facilities for the repair and maintenance of Naval Forces nor the coast defences can be increased.
- (b) The United States have agreed not to develop their Naval Bases to the westward of Hawaii. In effect this rules them out, so far as effective interference with Japan in the Western Basin of the Pacific Ocean is concerned, and leaves the British Empire the sole Power to counter with Naval Forces, any aggressive tendencies on the part of Japan.

The Quadruple Treaty.

8. The Agreement of the four Powers (British Empire, United States of America, France and Japan) to hold a joint conference should a controversy arise out of any Pacific question is all to the good, as the probability of war suddenly developing has undoubtedly been reduced.

9. It must be remembered, however, that the warning which the summoning of such a conference would give, would, in all probability, only be such as to permit of existing services being expanded, and would not permit of new services being organized.

10. In addition, the diplomatic situation would be strained, and it would probably be inexpedient, for fear of jeopardising the negotiations, to make any visible preparations.

Root Resolutions in regard to Submarine Warfare.

11. It will be remembered that the recommendations of the Admiralty in regard to shipbuilding programmes contained both in "Empire Naval Policy and Co-operation" (C.I.D. Paper 131-C*) and in the programmes prepared for individual Dominions at the request of Ministers, consisted mainly in the construction of light cruisers and large submarines.

12. It might be desirable to explain how the recommendations in regard to submarines can be reconciled with the attitude adopted by the British Empire Delegation at Washington, where a policy of total abolition was advocated.

13. Abolition of submarines has been the consistent policy of Great Britain since the War, as it is considered that the advantage arising out of the employment of submarines for legitimate naval operations is totally outweighed by the disadvantages of the unscrupulous use of submarines against seaborne commerce by an adversary who has decided to risk the odium likely to be entailed by such operations.

14. Moreover, the grave extent of the submarine menace in the late War and the realization that the Root Resolutions in regard to submarine warfare, although admirable in intention, cannot be relied upon when formulating war plans for the defence of commerce, remain strong incentives for a policy of total abolition of submarine warfare.

15. Resolutions made in the harmonious atmosphere of the conference room may vanish at the stern test of war, and pretext might always be sought and found by our adversaries to attack us in our most vital spot—seaborne commerce.

16. The Naval Staff are convinced, however, of the great capabilities of submarines for legitimate naval operations, and this opinion, based on war experience, has been confirmed in fleet exercises which have since been carried out.

17. A submarine service is not one which can be suddenly organized on the outbreak of war or when relations become strained.

18. It will be realized from the above that the Admiralty still adhere to their recommendations at the time of the Imperial Conference regarding the construction of submarines and the maintenance of flotillas of this type of vessel by the Dominions.

The general effect of the above agreements on the naval situation may be summarized as follows:—

19. A war between the British Empire and any of the great Naval Powers is considered unlikely during the next ten years, but it would not be safe to gamble on this when making provision for the naval defence of the Empire. Should war be forced on us, some warning may be expected, but for diplomatic reasons we should be able to make little use of it.

20. The strategic situation in the Western Pacific has changed for the worse, and the necessary preparations for a possible rapid concentration of the Main Fleet in the East must be pressed on with.

21. Until the arrival of the Main Fleet two classes of vessels will be of the utmost value in the Pacific:—

- (a) Submarines, as only by prolonged operations could our adversary hope to deal effectively with these vessels.
- (b) Light cruisers for threatening the enemy's lines of communication and for dealing with enemy raiders operating against our seaborne commerce.

Reaffirmation of Principles expounded at Imperial Conference.

22. The recommendations as to the forms of Dominion co-operation suggested in the Admiralty document "Empire Naval Policy and Co-operation" and in the paper "Empire Naval Policy: Brief Summary of Recommendations by the Admiralty" and the arguments on which they are based, still hold good.

23. It is desired, however, to re-emphasize the principle on which co-operation should be based: also again to draw attention to those forms of co-operation considered by the Admiralty of more immediate importance.

24. Naval defence can only be assured by adequate naval forces, capable of offensive action and endowed with full freedom of action, which in its turn can only be maintained by adequate fuelling and base facilities.

*Circulated to Imperial Conference, 1921, as Paper No. E-4.

25. It cannot be too often emphasized that local defence measures, however perfect these may be, are entirely illusory, and can in no way protect any particular portion of the Empire in war, unless the Empire possesses a fleet capable of controlling maritime communications. The fate of any or of all the Dominions may be settled one way or the other thousands of miles from their coasts.

26. It therefore follows that, as the Mother Country cannot unaided maintain the fleet necessary for the safety of the Empire, together with the requisite bases and oil-fuel reserves, *the Dominions and Colonies must be depended upon not to confine their co-operation in naval defence to purely local measures.*

Dominion Co-operation still a Vital Necessity.

27. In the light of the above remarks it will be seen that the world situation still calls for the maintenance by the British Empire of strong naval forces, and, it being impossible for the Mother Country adequately to maintain these unaided, the need for co-operation on the part of the Dominions in Imperial Naval Defence is as paramount as it was at the time of the Imperial Conference.

Forms of Co-operation considered of more Immediate Importance.

28. Since money contributions to an Imperial Navy do not commend themselves to the Dominion Governments, the following are recommended:—

- (1) During this period of financial stringency, maintenance, by the Dominions which have hitherto possessed navies, of a healthy nucleus of a sea-going squadron which, when times are better, can be rapidly expanded.
- (2) Assistance by all Dominions and certain Colonies in the provision of world-wide oil-fuel supplies.
- (3) Assistance by certain Dominions and India in the development of Singapore as a naval base.

29. As regards (1). The Canadian Government, when explaining their decisions as to the recent abolition of their seagoing fleet, stated that, had the latter been maintained, overhead charges would have been out of all proportion to the defence value obtained.

30. The Admiralty cannot help feeling that this bears out the view so often expressed by them that the ideal form of Dominion co-operation lies in a unified navy with quota of men and ships supplied by the Dominions and India.

31. The Admiralty can only express the hope that where Dominions find, as in the case of Canada, that the system of separate navies shows a poor return for money expended, they may be induced to reconsider the position and act upon the foregoing principle.

32. As regards (2). The mobility of the fleet, on which the Dominions and Colonies depend almost entirely for their safety, can only be assured by a world-wide system of oil-fuel reserves. A fraction only of these reserves exists, and it is of the most vital importance to the Empire as a whole, as well as to individual Dominions, that this state of affairs should be altered as soon as possible.

If the Mother Country is to bear this burden unaided it will be many years before all parts of the Empire can rely on the certain protection of the Fleet.

33. As regards (3). Should Japan at any time declare war on the British Empire the position of Australia, New Zealand, India, and our Eastern Colonies will be one of great danger until the arrival of the Main Fleet in the East.

For a rapid concentration of the Fleet in the East it is *essential* that a secure base at Singapore can be counted on.

The development of Singapore must take many years, even if substantial assistance is provided by the Dominions. The matter is, therefore, one of great urgency.

Recommendations to Individual Dominions and Colonies.

34. *Australia.*—The assistance which Australia could most usefully give at the present time is as follows:—

- (a) Continue the maintenance of a sea-going Fleet.
- (b) Assist in the development of Singapore.
- (c) Commence the provision of oil-fuel reserves.

35. As regards (b). Should Australia decide to assist the Imperial Government in this direction, she might perhaps derive greater satisfaction in providing material manufactured in Australia than in making a financial contribution. Co-operation on such lines would be welcomed.

36. As regards (c). It will be remembered that the Admiralty recommended that Australia should ultimately possess reserves for the Main Fleet to the amount of 400,000 tons, as well as one year's reserve for Local Defence craft and vessels employed on trade protection in Australasian waters.

37. *New Zealand*.—It is recognized that New Zealand is already co-operating in naval defence by maintaining the nucleus of a sea-going Fleet, but should she find herself in a position to do so, any assistance, either financial or in material manufactured in New Zealand, towards the equipment of Singapore would be welcomed.

38. The installation of a reserve of 10,000 tons of oil-fuel in New Zealand, as recommended at the Imperial Conference, is also a matter of urgency.

This provision would assist to improve the general strategic position in the Pacific, and, in view of the fact that New Zealand will probably acquire oil-burning vessels at no very distant date, it would also ensure a large measure of freedom of action for her naval forces, which otherwise they would not enjoy.

39. *Canada*.—The Admiralty must frankly confess to their great disappointment at Canada's decision to abolish her sea-going Squadron and to confine her naval endeavour to such secondary forms of co-operation as can be left to a force maintained on a reserve basis. For reasons already pointed out, these can be of no real assistance in the naval defence of the Empire.

40. Should Canada not see her way to reconsider her recent decision and maintain at least a healthy nucleus of a sea-going force, it is hoped that consideration may be given to the policy outlined in paragraph 28 of this Memorandum.

41. It is in any case hoped that Canada will find it possible to commence the provision of oil-fuel reserves in accordance with the recommendations made at the Imperial Conference. The total amount of reserves proposed for Canada was 150,000 tons.

42. *India*.—India, depending so much for her safety and prosperity on the Fleet, and being particularly concerned in the ability of the Fleet to reach the East quickly, can most usefully subscribe to the naval defence of the Empire by:—

(a) Assisting in the development of Singapore, either financially or by providing material manufactured in India.

(b) The provision of oil-fuel reserves at Aden and Rangoon, the amounts suggested being 48,000 tons and 216,000 tons respectively.

43. The question of any further assistance which India can give in the direction of maintaining sea-going forces is intimately connected with the future of the R.I.M., which, it is understood, is now being reorganized. Until the Admiralty have been given an opportunity of examining the details of this scheme of reorganization, they do not feel able to make any recommendations on this subject.

44. *South Africa*.—The best form of immediate assistance would be to provide the reserve of 24,000 tons of oil-fuel at Simonstown, which was the subject of discussion at the Imperial Conference.

45. *Newfoundland*.—It is hoped that Newfoundland will continue to train, and, if possible, increase the strength of her Royal Naval Reserve.

Dependencies, Protectorates and Colonies.

46. *Malay States and Straits Settlements*.—The Federated Malay States have already made a substantial contribution to the sea-going forces of the Empire. Should they be in a position again to assist in meeting Naval defence requirements, and, should the Straits Settlements States outside the Federation be also prepared to co-operate to this end, the following measures would be of the utmost value:—

(i) Subsidize the commercial development of Penang and Port Swettenham in such a way that those places could afford the fleet good repair and docking facilities in war, the docks to be of such size as to take the largest men-of-war that can enter those ports.

(ii) Assist towards the development of the Naval Base in the Johore Strait.

(iii) Formation of a R.N.V.R. Force. (See p. 21, "Empire Naval Policy and Co-operation.")

47. *Ceylon*.—(i) Subsidize the commercial development of Trincomali, with a view to affording docking and repair facilities for the fleet in war.

(ii) Formation of a R.N.V.R. Force. (See p. 21, "Empire Naval Policy and Co-operation.")

48. *Hongkong and Fiji*.—These Colonies, being east of longitude 110° east, and therefore affected by the *status quo* clause of the Four-Power Naval Treaty, are not in a position to undertake local measures. The only form of co-operation open to them is therefore a monetary contribution to the fleet.

49. *Other Colonies and Protectorates*.—It is not possible for the Admiralty to lay down the lines on which each of the remaining Colonies and Protectorates should be asked to co-operate. For such of them as can in any way contribute towards Imperial naval defence, the following methods are open:—

(i) By the organization of minesweeping or local defence craft for use in the event of war.

(ii) By the organization of local branches of the Royal Naval Reserve or Royal Naval Volunteer Reserve for manning the vessels mentioned in (i); for the manning of advanced bases; to assist in the Examination Service or in a Blockade Organization, as well as for service in the Fleet.

(iii) By the organization of Volunteer Air Forces for co-operation with the Navy.

(iv) Direct financial assistance.

(v) The provision and maintenance of Naval bases, fuel depots, &c., necessary for the Fleet in the event of war.

50. The method of co-operation must necessarily depend upon the resources and geographical situation of the Colony in question, but the active co-operation of the Colonies in assisting to support the Naval burden of the Empire is essential, and would be very warmly welcomed.

NAVAL.

CHANNELS OF COMMUNICATION REGARDING NAVAL MATTERS

31664

No. 3.

ADMIRALTY OFFICE MEMORANDUM.

(Revised to July, 1921.)

(M. 52291/21.)

THE following procedure is to be observed as regards correspondence relating to Naval matters in the Dominions:—

(1) General questions of policy and large administrative questions will be dealt with by correspondence through the Governor-General and Secretary of State for the Colonies.

(2) Correspondence on routine subjects, such as contract arrangements as to ships, supply of stores,* engagement of men, business matters involving payments and receipts, and other matters of detail, will be dealt with through the respective High Commissioners.

(3) The following arrangements have been made as regards interchange of intelligence, confidential books, etc.:—

Canada: Direct with the Director of Naval Service, Ottawa.

Commonwealth of Australia: Interchange of intelligence, through the Naval Representative on the staff of the High Commissioner. Supply of Confidential books and printed matter, direct with the Naval Secretary, Melbourne.

New Zealand:† Direct with the Naval Secretary, Navy Office, Wellington.

(4) Letters as to the loan of individual officer's services are to be addressed to the Colonial Office, in order that the Secretary of State may inform the Governor-General, a copy of the letter to the Colonial Office being sent to the High Commissioner for information and any necessary action.

(5) In the case of the Commonwealth of Australia, the Dominion of Canada, and Dominion of New Zealand, matters of advice and administrative details which are settled in Canada, Australia, or New Zealand may be dealt with by direct correspondence between the Admiralty, and

(a) The Minister of Naval Service or Director of Naval Service, Ottawa.

(b) The Naval Secretary, Navy Office, Melbourne.

(c) The Naval Secretary, Navy Office, Wellington.

*Note.—In the case of Australia, routine correspondence with regard to the supply of Naval, Victualling, Ordnance, and Medical Stores may be carried on directly between the Head of the Admiralty Store Department, and the Official Secretary to the High Commissioner.

†Note.—Regulations concerning the New Zealand Naval Board are contained in A.F.O. No. 2113/21, which runs as follows:—

2113.—NEW ZEALAND NAVAL BOARD.

(M. 52410/21.—24.6.1921.)

The following regulations for the establishment of a Naval Board for the Dominion of New Zealand have been issued by the Governor-General:—

1. A Naval Board shall be hereby constituted in and for the Dominion of New Zealand.

2. The Naval Board shall be composed of the Minister of Defence (President) and the following members:—

The Commodore commanding New Zealand Station (1st Naval Member).

The Chief Staff Officer as a temporary member until such time as the Commodore commanding vacates the command of the "Chatham," or other ship relieving "Chatham."

The Secretary to the Commodore commanding shall be appointed as Secretary to the Board.

3. The Naval Board shall be charged with the control of all matters relating to the Naval Forces, upon the policy directed by the Minister, and shall have executive command of the Naval Forces. The Governor-General may delegate to the Naval Board the functions, and commission it to execute the office, of Commander-in-Chief of the Naval Forces.

4. Except as prescribed, the members of the Naval Board shall act as a whole. The orders of the Board shall be issued over the signature of the Secretary or such other official as the Board may authorize to act for him.

5. The Naval Board shall meet weekly, or as may be directed by the Minister, or, in his absence, by the Senior Naval Member of the Board present. Two members of the Board shall constitute a quorum.

6. All decisions of the Board which involve a matter of policy, or important principle, an increased vote, or any new expenditure, shall be submitted for Cabinet approval.

7. A representative of the Treasury shall be charged with the duty of keeping account of expenditure with a view to ensuring that it is kept within the estimates.

In the case of the Commonwealth of Australia, certain matters which can be dealt with in a semi-official manner may conveniently be dealt with through the liaison officer, in accordance with Office Memorandum No. 215 of 1920.*

(6) The Commander-in Chief, Africa, is to be kept informed of the more important correspondence with the authorities of the Union of South Africa.

(7) In order to secure a complete record in official correspondence any terms and conditions which have been discussed and agreed upon in intermediate correspondence that may be semi-official are to be embodied in an official letter before final action is taken.

(8) It is of great importance that the rule should be carefully observed that general questions of policy and large administrative questions must be dealt with through the Secretary of State for the Colonies and the Governor-General, otherwise there is danger that the Governor-General may not be kept fully informed of matters of which he should be aware.

Should a case occur in which a correspondence on a question of policy is opened by the High Commissioner, or in which a correspondence on matters of detail develops so as to involve questions of policy, the Admiralty reply should be sent to the High Commissioner through the Colonial Office.

In any case of doubt as to the correct procedure to be followed, the Secretary or Deputy Secretary should be consulted.

(9) In communicating with the High Commissioners, letters should be addressed in the following manner:—

Commonwealth of Australia: The Official Secretary, Office of the Commonwealth of Australia, Australia House, Strand, W.C.2.

Dominion of Canada: The Secretary, Office of the High Commissioner for Canada, 19, Victoria Street, S.W.1.

Dominion of New Zealand: The Secretary, Office of the High Commissioner for New Zealand, 413-416, Strand, W.C.2.

Union of South Africa: The Secretary, Office of the High Commissioner for South Africa, Trafalgar Square, S.W.

14th July, 1921.

*The terms of this Memorandum are as follows:—

(M. 02594.)

No. 215.

OFFICE MEMORANDUM.

Arrangements having been made for Dominion and Colonial Officers to be attached to Divisions of the Naval Staff, the attached standard instructions for such officers have been drawn up.

Captain W. H. C. S. Thring, Royal Australian Navy, has already arrived, and is accommodated in Room 13, Admiralty House.

ALEX. FLINT.

12th August, 1920.

INSTRUCTIONS FOR DOMINION AND COLONIAL OFFICERS ATTACHED TO THE NAVAL STAFF.

1. The Admiralty are very desirous of affording Dominion and Colonial Officers attached to the Naval Staff every opportunity for acquiring information which will further the development and efficiency of the navies they represent.

2. While at the Admiralty, they will be treated as members of the Naval Staff, and will therefore be expected to conform with staff procedure.

3. Any information from Staff Records which they may require, whether contained in the Registry of the Division to which they are attached or in the Registry of any other Division, should be applied for in writing to the Director of the Division concerned.

In the case of information contained in papers other than staff records, e.g., Naval Store arrangements, application in writing should be made to the Assistant Secretary.

4. Though it is the duty of these officers to make reports to their Boards on matters of Naval interest, it is undesirable for many reasons that these reports should be made independently, as this might lead to misrepresentation of Admiralty views, through inadequate acquaintance with all sides of the question.

It is therefore necessary that all reports, official or semi-official, which the Dominion and Colonial representatives desire to send to their Boards, shall be given to the S.A.S., who will:

(i) Mark them to the Staff Division concerned, in order that it may be verified that the facts are correctly represented, and that any opinions stated to be the opinions of the Admiralty, correctly represent Admiralty views.

(ii) Submit them to A.C.N.S. and/or D.C.N.S. for approval.

INTELLIGENCE RE-ORGANIZATION AND ATTACHMENT OF OFFICERS
OF DOMINION NAVIES TO NAVAL STAFF.

(See pages 92-99 of Dominions No. 72.)

16252

No. 4.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.30 a.m., 5th April, 1921.)

TELEGRAM.

[Answered by No. 5.]

5TH APRIL. Your despatch 26th November, 1919,* paragraph No. 3, loan of Senior Admiralty Intelligence Officer to Navy Office, Melbourne. Understood this officer was to be loaned for duty under Government of Commonwealth of Australia. As appointed at present, however, he remains under Admiralty orders, and Government of Commonwealth of Australia unable to make full use of services. Question of interchange of officers can be discussed at June Conference. Meantime, Major Griffiths authorized act under conditions laid down by Commonwealth Naval Board, which he has accepted.—GOVERNOR-GENERAL.

21206

No. 5.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 19th May, 1921.)

TELEGRAM.

YOUR telegram, 5th April.† Lords Commissioners of Admiralty have no objection to Major Griffiths being under orders of Commonwealth Government.—SECRETARY OF STATE FOR THE COLONIES.

30145

No. 6.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 23rd June, 1922.)

(No. 205.)

SIR, Governor-General's Office, Melbourne, 16th May, 1922.
REFERRING to Viscount Milner's despatch dated 25th August, 1920, No. 341,† relative to the appointment of an Australian Naval Officer to act as Commonwealth Representative on the Naval Staff at the Admiralty, London, as well as Liaison Officer with the Naval Intelligence Division, I have the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Naval Board, with the concurrence of the Minister for Defence, has decided that these duties and those of the Australian Naval Representative attached to the Staff of the High Commissioner, London, shall be combined.

My Prime Minister states that Captain John Robins, R.A.N., has been appointed to undertake the duties in question as from 1st July, 1922, and that he left by the s.s. "Naldera," on the 6th May, to take up his appointment.

I have, &c.,

FORSTER.

Governor-General.

* No. 186 in Dominions No. 72.

† No. 4.

‡ 184 in Dominions No. 72.

LEGAL.

(a) Application of Naval Discipline Act to New Zealand.

50017

No. 7.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8th October, 1921.)

[Answered by No. 8.]

(No. 176.)

SIR,

Government House, Wellington, 29th August, 1921.

I HAVE the honour to transmit to you the accompanying copies of an extract from the *New Zealand Gazette*, No. 77, of the 18th August,* containing an Order in Council dated 6th August, making regulations under the Naval Defence Act, 1913, to adapt the Naval Discipline Acts to the requirements of the New Zealand Naval Forces.

I have, &c.,

JELLICOE,

Governor-General.

15526

No. 8.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 9.]

(No. 72.)

MY LORD,

Downing Street, 13th April, 1922.

WITH reference to Your Excellency's despatch No. 176 of the 29th of August, 1921,† I have the honour to transmit to you, for the consideration of your Ministers, the draft of a proposed amendment of the preamble to the Instructions (contained in Appendix XXII of the King's Regulations and Admiralty Instructions) for regulating the application of the Naval Discipline Act to the officers and men of the Royal Navy and of the Dominion Navies in relation to each other. The proposed amendment is necessary to give effect to the Order-in-Council of the 16th of July, 1914, under the Naval Discipline (Dominion Naval Forces) Act, 1911.

(2) It will be observed that the effect of the amendment will be to omit the words "in 1911" (see line 1†), and the word "and" (see line 2†) and to insert the words "and New Zealand" after the word "Canada" (see line 3†).

(3) The Lords Commissioners of the Admiralty would be glad to learn whether your Ministers concur in the proposed amendment.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 8.

APPENDIX XXII.

Instructions for regulating the application of the Naval Discipline Act to the officers and men of the Royal Navy and of the Dominion Navies in relation to each other.

(See Article 26, Clause 2.)

IN accordance with an agreement made between the Admiralty and the Naval Departments of Australia, Canada, and New Zealand that:—

"When a court-martial has been ordered by a Dominion and a sufficient number of officers are not available in the Dominion service at the time, the British Admiralty, if requested, will make the necessary arrangements to enable a Court to be formed. Provision will be made by Order of His Majesty in Council and by the Dominion Governments respectively to define the conditions under which officers of the different services are to sit on joint courts-martial."

The following instructions have been drawn up for the guidance of Commanders-in-Chief and Officers Commanding His Majesty's ships.

* Not reprinted.

† No. 7.

‡ This reference is to the draft as typed.

40114

No. 9.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th August, 1922.)

(No. 169.)

SIR, Government House, Wellington, 30th June, 1922.
 WITH reference to your despatch, No. 72, of the 13th April,* I have the honour to inform you that my Ministers concur in the amendment to the Instructions for regulating the application of the Naval Discipline Act to the officers and men of the Royal Navy and of the Dominion Navies in relation to each other, as proposed by the Admiralty.

I have, &c.,
 JELlicoe,
 Governor-General.

(b) Status of Dominion Navies.
 New Zealand.

57606

No. 10.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 11.]

(No. 248.)

MY LORD, Downing Street, 5th December, 1921.
 WITH reference to Mr. (now Viscount) Harcourt's despatch No. 90, of the 20th February, 1914,† and to my predecessor's despatch Dominions No. 298, of the 27th July, 1920,‡ I have the honour to transmit to Your Excellency, for the consideration of your Ministers, the draft of an Order in Council,§ the issue of which is recommended by the Lords Commissioners of the Admiralty, to provide for the use of a form of Commission which will be effective both in the Royal Navy and the Royal New Zealand Navy, in order that Officers of the Royal Navy and the Royal New Zealand Navy may be interchangeable. As your Ministers will be aware, this procedure follows existing practice in respect of the Naval Forces of Canada and the Commonwealth of Australia.

2. I should be glad to receive by telegraph the views of your Ministers on the draft Order in Council which is the same, *mutatis mutandis*, as that of the 28th June, 1920,|| providing for a common form of Commission for Officers of the Royal Navy and the Royal Canadian Navy.

3. At the same time, the Lords Commissioners of the Admiralty would be glad to know whether, after the provision of this Order in Council, the New Zealand Government desire H.M.S. "Chatham" and H.M.S. "Philomel" to become H.M.N.Z.S. "Chatham" and "Philomel," as ships of the New Zealand Dominion Naval Forces under the Dominion Naval Board. In this connexion I would invite attention to Lord Liverpool's telegram of the 14th March, 1920.¶

I have, &c.,
 WINSTON S. CHURCHILL.

* No. 8. † No. 9 in Dominions No. 52. ‡ No. 210 in Dominions No. 72. § Not printed.
 || Enclosure in No. 210 in Dominions No. 72. ¶ No. 235 in Dominions No. 72.

14398

No. 11.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.37 a.m., 27th March, 1922.)

TELEGRAM.

[Answered by No. 12.]

27TH MARCH. Your despatch 5th December, No. 248,* my Ministers are in agreement with terms of draft Order-in-Council, except that it is desired that naval force maintained by New Zealand shall continue to be designated the New Zealand Division of the Royal Navy. They ask therefore that its title may be substituted for that of the Royal New Zealand Navy. As a consequence it is desired that the ships shall continue to be designated His Majesty's Ships, and not His Majesty's New Zealand Ships.—JELlicoe.

36780

No. 12.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 145.)

MY LORD, Downing Street, 5th August, 1922.
 WITH reference to Your Excellency's telegram of the 27th of March† last, I have the honour to transmit to you, for the information of your Ministers, the accompanying copies of an Order-in-Council dated the 14th of July, providing for the interchangeability of commissions of officers of the Royal Navy and of the New Zealand Naval Forces.

I have, &c.,
 WINSTON S. CHURCHILL.

MEETING OF FLAG OFFICERS.

(See pages 118 to 120 in Dominions No. 72.)

2448

No. 13.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.5 a.m., 15th January, 1921.)

TELEGRAM.

[Answered by No. 14.]

(Paraphrase.)

WITH reference to your telegram of 21st December,‡ Navy Office, Melbourne, has received information that the meeting of Commanders-in-Chief, China, East Indies Stations is still to take place at Singapore on the date arranged, namely, 7th March. If there is no objection in view of this, Commonwealth Government would like to send representatives to attend the meeting. The combined views of three Admirals will be of the greatest importance to the Commonwealth Prime Minister in the Naval Pacific problems to be discussed at the Conference in June.—GOVERNOR-GENERAL.

* No. 10. † No. 11. ‡ No. 223 in Dominions No. 72.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2 p.m., 31st January, 1921.)

TELEGRAM.

[Answered by No. 15.]

(Paraphrase.)

With reference to your telegram of 15th January* regarding meeting of Commanders-in-Chief at Singapore, Lords Commissioners of Admiralty will cordially welcome proposed attendance of Naval representative of the Commonwealth Government. Please report name of representative by telegraph.—MILNER.

6981

No. 15.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.25 a.m., 14th February, 1921.)

TELEGRAM.

(Paraphrase.)

With reference to your telegram of 31st January,† Rear-Admiral Sir Percy Grant has been temporarily appointed Commander-in-Chief of the Australian Naval Station. He will attend the meeting of Admirals which has now been arranged by the Commander-in-Chief, China, to take place on 7th March, at Penang, as Commonwealth Naval representative.—GOVERNOR-GENERAL.

6354/S

No. 16.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by Nos. 17 and 18.]

(Secret.)

MY LORD.

Downing Street, 14th February, 1922.

I HAVE the honour to acquaint Your Excellency, for the information of your Ministers, that the Lords Commissioners of the Admiralty consider that it would be desirable that the Naval Forces of New Zealand should be represented at future meetings between the various Flag Officers in the Pacific.

2. Their Lordships are assuming, as a basis of the war dispositions, co-operation between the China, East Indies, Australia and New Zealand Naval Forces under a higher command, which will be established on the outbreak of war at Singapore, and in order to ensure that such co-operation shall from the first be as effective as possible, they propose that meetings, either yearly or biennial, should take place between the Commanders-in-Chief of the China and East Indies Squadrons, the Flag Officer commanding Australian Naval Forces, and a representative of the New Zealand Naval Forces.

3. I shall be glad to learn whether your Ministers agree to the principle of naval co-operation in war under a higher command at Singapore, and, if so, whether they will arrange, if practicable, for a representative of the New Zealand Naval Forces to be present at the next meeting of Flag Officers. The date of the meeting has not yet been settled.

4. I may add that the Government of the Commonwealth of Australia have expressed their concurrence in this arrangement, so far as the Australian Naval Forces are concerned.

I have, &c.,

WINSTON S. CHURCHILL.

28344

No. 17.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 13th June, 1922.)

(Secret.)

SIR,

Government House, Wellington, 28th April, 1922.

With reference to your Secret despatch of the 14th February,* I have the honour to inform you that my Ministers concur in the general principle of naval co-operation in war, as proposed by the Lords Commissioners of the Admiralty, and if practicable the Government of New Zealand will arrange for a representative of the New Zealand Naval Force to be present at the next meeting of the various Flag Officers in the Pacific.

I have, &c.,

JELLICOE,

Governor-General.

30760/S

No. 18.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 26th June, 1922.)

[Answered by No. 21.]

(Secret. 2.)

SIR,

Government House, Wellington, 18th May, 1922.

With reference to your Secret despatch of the 14th February,* and my reply thereto of 28th April,† I have the honour to inform you that my Ministers desire me to represent to you, for the consideration of the Lords Commissioners of the Admiralty, the desirability of arrangements being made, by which the projected annual meetings between the Commanders-in-Chief of the China and East Indies Squadrons, the Flag Officer Commanding Australian Naval Forces, and a representative of the New Zealand Naval Forces should occasionally take place in Australasian waters.

2. The reasons which influence my Ministers in making this proposal are:—

(i) The great advantages which, in their view, would result from full information as to conditions in the South Pacific being available at first hand for the proposed higher command, to be established at the outbreak of war, at Singapore.

My Ministers feel that local conditions relating to trade protection, concentration of naval forces, collection and distribution of intelligence, co-operation between commands, local defence, etc., etc., will be far better appreciated by the personal knowledge gained during meetings in Australasian waters, than is possible if such meetings are always held in far-distant localities.

(ii) The great value which the occasional presence of His Majesty's ships in Southern waters has in stimulating interest in naval matters generally. The visit of a portion of the China Squadron to, say, New Zealand, after a conference of flag officers, would have a great influence in the direction of reminding the people of the Dominion of their responsibility to take their share in bearing the financial burden necessitated by the provision of adequate naval defence for the Empire.

3. I am very fully in agreement with these proposals, which Mr. Massey requests me to forward. My tour of the Dominions in 1919 for the purpose of reporting on naval defence matters convinced me of the great advantages gained by personal knowledge of local conditions.

I have, &c.,

JELLICOE,

Governor-General.

32382/S

No. 19.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 8th July, 1922.

WITH reference to your predecessor's telegram of the 22nd April, 1920,* on the subject of meetings between the Flag Officers in the Pacific, I have the honour to request Your Excellency to inform your Ministers that a despatch† was recently addressed to the Governor-General of New Zealand stating that the Lords Commissioners of the Admiralty considered that it would be desirable that the Naval Forces of New Zealand should be represented at future meetings between the Flag Officers.

2. The Governor-General was informed that the Lords Commissioners assumed, as a basis of war dispositions, co-operation between the China, East Indies, Australia and New Zealand Naval Forces under a higher command, to be established at Singapore on the outbreak of war, and in order to ensure that such co-operation should from the first be as effective as possible, proposed that meetings, either yearly or biennial, should take place between the Commanders-in-Chief of the China and East Indies Squadrons, the Flag Officer commanding Australian Naval Forces and a representative of the New Zealand Naval Forces.

3. A despatch‡ has now been received from Viscount Jellicoe stating that the Government of New Zealand concur in the general principle of naval co-operation in war, as proposed by the Lords Commissioners, under a higher command at Singapore and that, if practicable, arrangements would be made for a representative of the New Zealand Naval Force to be present at the next meeting of the various Flag Officers in the Pacific.

I have, &c.,

WINSTON S. CHURCHILL.

34766

No. 20.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 22.]

(Secret.)

MY LORD,

Downing Street, 25th July, 1922.

WITH reference to my Secret despatch of the 8th of July,§ I have the honour to transmit to Your Excellency for the information of your Ministers, the accompanying copies of correspondence|| with the Governor-General of New Zealand, relative to the proposed Conference between the Commanders-in-Chief of the China and East Indies Squadrons, the Flag Officer Commanding Australian Naval Forces and a representative of the New Zealand Naval Forces.

2. I should be glad to learn whether your Ministers would wish a Conference to take place, if circumstances permit, in Australasian waters, as suggested by the Government of New Zealand.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 221 in Dominions No. 72. † No. 16. ‡ No. 17. § No. 19. || Nos. 18 and 21

34766

No. 21.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 25th July, 1922.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch Secret (2) of the 18th of May,* and to request you to inform your Ministers that the Lords Commissioners of the Admiralty state that it has not yet been decided when the proposed Conference between the Commanders-in-Chief of the China and East Indies Squadrons, the Flag Officer Commanding Australian Naval Forces and a representative of the New Zealand Naval Forces should take place.

2. When the Conference is being arranged full weight will be given to the considerations put forward in your despatch under reply, and the Lords Commissioners of the Admiralty hope that it may be possible for the Conference to take place in Australasian waters, should the Commonwealth Government also desire it, and should circumstances permit of the Commanders-in-Chief of the China and East Indies Squadrons being absent from their stations.

3. The Lords Commissioners of the Admiralty note with pleasure the wish of your Government that some of the ships of the China Squadron should visit New Zealand after the Conference, and should the latter take place in Australasian waters, an endeavour will be made to arrange such a visit if circumstances permit.

4. I am forwarding a copy of your despatch and of this reply to the Governor-General of the Commonwealth of Australia.

I have, &c.,

WINSTON S. CHURCHILL.

55737/S

No. 22.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.23 a.m., 9th November, 1922.)

TELEGRAM.

(Paraphrase.)

9TH NOVEMBER. With reference to your despatch, Secret, of 25th July,† The Government of the Commonwealth would welcome if circumstances permit conference of Flag-Officers at Sydney.—FORSTER.

NAVAL CORDITE.

Manufacture in Australia.

(See pages 120-123 of Dominions No. 72.)

27780

No. 23.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.0 p.m., 8th June, 1921.)

TELEGRAM.

[Answered by No. 25.]

(Paraphrase.)

WITH reference to your despatch 3rd November, 1920, Confidential,‡ Admiralty attach high importance to the manufacture of ammunition in Australia. They

* No. 18. † No. 20. ‡ No. 227 in Dominions No. 72.

suggest development in the first place of manufacture of fuses, shell cartridge cases and guns and subsequently of anti-submarine devices and mines. The manufacture of cordite should be deferred. Admiralty will give Mr. Gill general instruction in inspection duties. They further suggest that they should send to visit Australia an experienced inspecting officer of the Admiralty staff to obtain a knowledge of the position, explain Admiralty views and advice. Including the voyage out and home, the length of the visit not to exceed six months. On all subjects concerning inspection and production the officer would be able to give useful advice.

Do your Ministers concur? Despatch* follows.—SECRETARY OF STATE FOR THE COLONIES.

27780

No. 24.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 13th June, 1921.

WITH reference to my telegram of 8th June,† I have the honour to request Your Excellency to inform your Ministers that the Lords Commissioners of the Admiralty regard the establishment of means of manufacture and inspection of Naval ammunition in Australia as a matter of first-class importance, since strategical considerations render it highly desirable that there should be in the East an independent source of supply of Naval ammunition for the Fleet and British merchant vessels. It is understood that your Government contemplate an establishment which will in time be able to produce all forms of Naval ammunition.

2. The principal difficulty of which their Lordships are aware will be the provision of the Inspecting Staff. They propose to give Mr. J. Gill a general course of training (in accordance with the attached schedule) designed to acquaint him with all aspects of inspection of Naval armaments and to fit him for the post of an Assistant Inspector. They have, however, already pointed out in their letter of the 19th October, 1920, to the Official Secretary (a copy of which was enclosed in Lord Milner's Secret despatch of the 5th November, 1920‡) that they do not consider that any one officer can make himself competent to carry out all branches of inspection work, and they would expect the minimum supervising inspecting staff to be—

- (a) One Inspector in Charge.
- (b) One Assistant Inspector of Cordite.
- (c) One officer (Assistant Inspector) specializing in guns, shell, shell filling, fuses, tubes and cartridge cases.
- (d) One officer (Assistant Inspector) specialised in mines, anti-submarine appliances, and possessing a knowledge of torpedoes and torpedo repairs.

Inspection of gun mountings, director gear, gun sights, &c., is yet another branch which requires special officers who, in their case, must have had an engineering training.

3. The Navy Board will realize, therefore, that inspection covers a very wide field, while it is essentially a service which requires experience before officers can be put in important posts. In the ordinary course, officers of the Admiralty Inspection Staff serve for some ten years as Assistant Inspectors before being appointed as Inspectors. Further, the officers who now belong to this branch have, with a few exceptions amongst the junior posts, all been G. and T. officers in the Navy and have, therefore, had the full advantages of the educational and technical courses undergone by such officers as well as their experience as G. and T. officers of H.M. Ships. Officers with these qualifications are needed to fill the higher posts (Inspectors and above).

4. As Mr. Gill's course will not be completed for at least fifteen months, their Lordships suggest that they should send to Australia an experienced officer from the staff of the Chief Inspector of Naval Ordnance for a period of six months (including the voyage out and home). This officer, who would be expert in one branch of inspection work and competent to advise generally, would obtain first-hand knowledge of the action being taken in Australia, would discuss the whole question with

* No. 24.

† No. 23.

‡ No. 226 in Dominions No. 72.

the authorities concerned, would explain Admiralty views and would assist with advice. Later on another could be sent who would be expert in another branch of inspection work. Their Lordships regret that an officer cannot be loaned for a longer period.

5. Their Lordships have explained in their letter of the 19th October, 1920, their reasons for advising that the development of cordite manufacture should be postponed. They suggest that in the first instance your Government should concentrate on developing the manufacture of medium and small calibre guns, shell, fuses and cartridge cases, and should subsequently proceed with the manufacture of mines and anti-submarine appliances.

6. I should be glad to learn whether your Ministers concur in the arrangements proposed.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 24.

Proposed course of instruction for Mr. Gill, Mate R.A.N., for Assistant Inspector of Naval Ordnance.

3 months at Woolwich; General Inspection duties.

1½ months at R.N. Cordite Factory, Holton Heath; explosives, propellants, &c.

2 months at Sheffield; gauge making, gauge design, gauge testing and checking, preparation of various types of test-piece and breaking of the same, elementary instruction in laboratory work under the Chief Analyst, practical shell inspection at Messrs. Hadfield and Firth's works.

1 month at the Proof Butts, Woolwich, under P. and E.O.

2½ months at Naval Armament Depots, under the A.I.N.O. there stationed; General Depot Inspection work, examination of guns afloat, &c., &c.

2 months at the Dockyards under Engineer in Charge Gun Mountings to gain practical knowledge of gun mountings; sights, director gear and range finders.

Total course 12 months, which should give the officer a good general insight into the various inspection duties.

33058

No. 25.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.35 a.m., 2nd July, 1921.)

TELEGRAM.

[Answered by No. 26.]

(Paraphrase.)

WITH reference to your telegram of 8th June,* regarding manufacture and inspection of ammunition in Australia, suggested visit of experienced inspecting officer concurred in by Ministers. Presume such visit will be at Admiralty's expense.—GOVERNOR-GENERAL.

37209

No. 26.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.55 p.m., 27th July, 1921.)

TELEGRAM.

[Answered by No. 27.]

(Paraphrase.)

YOUR telegram of 2nd July.† Admiralty consider that Commonwealth Government should bear all expenses, including subsistence and travelling incurred by officer visiting Australia to advise on inspection and manufacture of ammunition. Admiralty is, however, prepared to continue to issue pay at usual rate to officer selected.—SECRETARY OF STATE FOR THE COLONIES.

* No. 23.

† No. 25.

41591

No. 27.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.20 p.m., 17th August, 1921.)

TELEGRAM.

(Paraphrase.)

WITH reference to your telegram 27th July,* with regard to manufacture and inspection of ammunition in Australia, Commonwealth Government will willingly pay expenses incurred in travelling, and subsistence during visit of experienced inspecting officer.—GOVERNOR-GENERAL.

3364/S

No. 28.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 21st January, 1922.)

[Answered by No. 29.]

(Secret.)

SIR, Governor-General's Office, Melbourne, 8th December, 1921.
I HAVE the honour, at the instance of my Prime Minister, to forward herewith, for the information of the Lords Commissioners of the Admiralty, a statement† regarding the reserves of ammunition which will be maintained in Australia for His Majesty's Australian ships; and to state that it is the intention of the Commonwealth Naval Board to increase these reserves of ammunition up to the standard usually maintained for His Majesty's ships whenever funds are available, but that it will not be possible to do so during the present financial year. The Commonwealth Naval Board will take steps to inform the Admiralty when any change is made in the authorized reserves of ammunition for His Majesty's Australian ships.

My Prime Minister advises that this procedure is considered necessary because the disposition and manner of employment of His Majesty's Australian Fleet on the outbreak of war will depend largely on the reserves of ammunition held in Australia, and any facilities which the Admiralty may possess to make good deficiencies at short notice.

I have, &c.,
FORSTER,
Governor-General.

36348/S

No. 29.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 30.]

(Secret.)

MY LORD, Downing Street, 28th July, 1922.
WITH reference to Your Excellency's Secret despatch of the 8th of December last,‡ I have the honour to request you to inform your Ministers that in order to assist the Commonwealth Government to increase the reserves of ammunition to the standard required, the Lords Commissioners of the Admiralty are prepared to supply a considerable part of the ammunition out of Imperial stocks held in this country.

2. A statement† of the ammunition available is enclosed. It will be observed that this ammunition can be offered for a sum of £8,000 exclusive of costs for packing and transport.

* No. 26.

† Not printed.

‡ No. 28.

3. Their Lordships are anxious to learn the decision of the Commonwealth Government at an early date, as it is desired to make other arrangements for the disposal of any of the ammunition not required for His Majesty's Australian ships, and I shall be glad therefore if your Ministers' decision may be communicated to me by telegram.

I have, &c.,
WINSTON S. CHURCHILL.

62599/S

No. 30.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 19th December, 1922.)

(Secret.)

MY LORD DUKE, Governor-General's Office, Melbourne, 28th October, 1922.
WITH reference to your predecessor's Secret despatch dated 28th July, 1922,* on the subject of the supply by the Lords Commissioners of the Admiralty of ammunition required by the Commonwealth Government, I have the honour to confirm my telegram,† in cypher, despatched on the 18th October, advising that the Commonwealth Government would be glad to accept the offer of the Lords Commissioners to transfer certain ammunition for the sum of £8,000, and that a notification accordingly would be sent to the High Commissioner's Office in London.

My Ministers desire that an expression of their thanks may be conveyed to the Lords Commissioners of the Admiralty for their most generous offer of this ammunition, which, I am advised, is urgently required as reserves for the ships of His Majesty's Australian Fleet.

I have, &c.,
FORSTER,
Governor-General.

NEW ZEALAND.

Naval Defence (including appointment of Officers to "Chatham.")

(See pages 123-130 of Dominions No. 72.)

24875

No. 31.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th May, 1921.)

(No. 66.)

SIR, Government House, Wellington, 7th April, 1921.
I HAVE the honour to transmit to you the accompanying extracts from the *New Zealand Gazette*, No. 27, of the 18th March, containing an Order in Council dated the 14th March, constituting a Naval Board under the Naval Defence Act, 1913.

I have, &c.,
JELLICOE,
Governor-General.

* No. 29.

† 52053/S.: not printed.

Enclosure in No. 31.

(Extract from *New Zealand Gazette* No. 27, 18th March, 1921.)*Naval Board constituted under the Naval Defence Act, 1913.*

JELlicoe, Governor-General.

ORDER IN COUNCIL.

AT THE GOVERNMENT HOUSE AT WELLINGTON, THIS 14TH DAY OF MARCH, 1921.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

In pursuance and exercise of the powers and authorities conferred on me by section twenty-five of the Naval Defence Act, 1913, and of all other powers and authorities enabling me in that behalf, I, John Rushworth, Viscount Jellicoe, Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, hereby make the following regulations to come into operation forthwith.

REGULATIONS.

1. A Naval Board shall be hereby constituted in and for the Dominion of New Zealand.

2. The Naval Board shall be composed of the Minister of Defence (President) and the following members:—

The Commodore commanding New Zealand Station. (1st Naval Member.)

The Chief Staff Officer as a temporary member until such time as the Commodore commanding vacates the command of the "Chatham," or other ship relieving "Chatham."

The Secretary to the Commodore commanding shall be appointed as Secretary to the Board.

3. The Naval Board shall be charged with the control of all matters relating to the Naval Forces, upon the policy directed by the Minister, and shall have executive command of the Naval Forces. The Governor-General may delegate to the Naval Board the functions, and commission it to execute the office, of Commander-in-Chief of the Naval Forces.

4. Except as prescribed, the members of the Naval Board shall act as a whole. The orders of the Board shall be issued over the signature of the Secretary or such other official as the Board may authorize to act for him.

5. The Naval Board shall meet weekly, or as may be directed by the Minister, or, in his absence, by the Senior Naval Member of the Board present. Two members of the Board shall constitute a quorum.

6. All decisions of the Board which involve a matter of policy, or important principle, an increased vote, or any new expenditure shall be submitted for Cabinet approval.

7. A representative of the Treasury shall be charged with the duty of keeping account of expenditure with a view to ensuring that it is kept within the estimates.

F. D. THOMSON.

Clerk of the Executive Council.

53139

No. 32.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.54 a.m., 25th October, 1921.)

TELEGRAM.

[Answered by No. 33.]

(Paraphrase.)

With regard to Admiralty proposals concerning transfer of Commodore from H.M.S. "Chatham" to Navy Office, Wellington, and the appointment of a Captain to H.M.S. "Chatham," it is considered more suitable, until increase takes place in number of ships in New Zealand Division of Royal Navy, for the Commodore to remain in H.M.S. "Chatham."

With reference to my telegram 20th September, 1920,* my Ministers request that Admiralty be asked to appoint a junior Captain with experience of local defence division or having lately taken technical courses, who should arrive February next as relief of Acting Captain Williams in capacity of Chief Staff Officer.—JELlicoe.

56872

No. 33.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.5 p.m., 16th November, 1921.)

TELEGRAM.

(Paraphrase.)

Your telegram 25th October.† Steps being taken to select relief for Williams. As regards Commodore, Lords Commissioners of Admiralty concur that he should remain in H.M.S. "Chatham." This was their Lordships' original view. See my telegram 6th July, 1920.‡

17957

No. 34.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1.10 p.m., 13th April, 1922.)

TELEGRAM.

[Answered by No. 35.]

(Paraphrase.)

The question of the replacement or recommissioning of the "Chatham" has been considered by the New Zealand Government, who are inclined to think that an oil-burning cruiser of the "Ceres" class, with an oil tanker of the "Slavol" type, would be more efficient than the "Chatham" and more suitable towards the development of the New Zealand Division. I should therefore be glad to learn whether the Admiralty would be prepared to provide in place of "Chatham" an oil-burning cruiser of "Ceres" class, together with an oil tanker of the "Slavol" type. The ship to commission on October 1st, 1923, on which date the "Chatham" would pay off in England.—JELlicoe.

33822

No. 35.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 12th July, 1922.)

TELEGRAM.

[Answered by No. 41.]

(Paraphrase.)

Your telegram 13th April.§ Admiralty hope that they may be able to replace "Chatham" in due course by an oil-burning light cruiser, but they do not anticipate that such a cruiser will be available before the middle of 1924 at the earliest. Question of the storage of oil fuel, which was discussed at Imperial Meetings of Prime Ministers, &c., in 1921, is now being considered in connexion with the general question of Empire naval co-operation. A further memorandum|| dealing with this matter for transmission to Dominion Governments is in preparation.—SECRETARY OF STATE FOR THE COLONIES.

* No. 248 in Dominions No. 72.

† No. 32.

‡ No. 239 in Dominions No. 72.

§ No. 34.

|| Enclosure in No. 2.

39008/S

No. 36.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.30 p.m., 3rd August, 1922.)

TELEGRAM.

[Answered by No. 38.]

(Paraphrase.)
(Secret.)

FOLLOWING message from my Prime Minister :—

Begins: In a few days I am making a statement in Parliament on naval policy, and if I could give in general terms the Admiralty views on Dominion Naval policy it would be of great assistance to me. The Admiralty views as set forth in Secret paper E.32 of 11th July, 1921, and E.4 of February, 1921, were before the Conference last year. It is not my intention, of course, to quote those papers, but I should be glad to know whether there would be any objection to my stating that Admiralty at present considers that New Zealand can best give assistance in following ways: (1) co-operation in providing money for development of naval base and reserve supplies of fuel oil for ships in Pacific waters; (2) New Zealand maintaining such naval forces as her resources permit, the first requirements being submarines and light cruisers; (3) providing depots, docks, bases and reserves of fuel and stores in New Zealand for these vessels; (4) providing trained personnel and storage of guns for merchant ships and their escorts, and also necessary organization for local protection of trade; (5) providing mine-sweeping organization and mobile defence organizations for ports. *Ends.*

—JELlicoe.

39008/S

No. 37.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.0 a.m., 6th August, 1922.)

TELEGRAM.

(Paraphrase.)

6TH AUGUST. Personal and Private. Will you please inform Admiralty with reference to my telegram 3rd of August,* that in my opinion the permission requested by my Prime Minister to disclose present Admiralty views on New Zealand naval policy in a statement to Parliament would certainly strengthen his position in framing a policy against which there would be no serious opposition. The Press is insistently urging need for naval policy here, and I should appreciate early reply to my telegram above mentioned.—JELlicoe.

39008/S

No. 38.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.10 p.m., 10th August, 1922.)

TELEGRAM.

(Paraphrase.)
(Secret.)

YOUR telegram 3rd August*; Admiralty view is that only adequate Naval forces can assure Naval Defence. They must be capable of offensive action and endowed with full freedom of action. This can only be attained by adequate base and fuelling facilities. Admiralty consider that however perfect local Defence measures may be these cannot in war protect any particular portion of the Empire

* No. 36.

adequately, unless a fleet capable of controlling maritime communications is possessed by the Empire. Admiralty concur generally in methods of assistance which your Prime Minister outlines, but they suggest that he should lay special emphasis on following points, which are given in order of relative importance:—

- (1) Maintenance of a healthy nucleus of a seagoing squadron during period of financial stringency. When times are better, this can be expanded rapidly. Expansion to consist of ocean-going submarines and light cruisers.
- (2) Provision of oil reserves in New Zealand.
- (3) Financial contribution, or supply of material manufactured in New Zealand, in order to assist in equipping naval bases. Then points 3, 4 and 5 as in your telegram under reference. Lords Commissioners have no objection to communication of these views in proposed statement on Naval policy to New Zealand Parliament. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

39008/S

No. 39.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.20 p.m., 10th August, 1922.)

TELEGRAM.

(Paraphrase.)

SECRET. My telegram of 10th August*: I am informed by Admiralty that, as indicated in E.4 and E.32, they still favour Singapore as chief base for Pacific operations, and reference in my telegram to naval bases should be read accordingly. Admiralty would prefer, however, that your Prime Minister should not mention Singapore in his statement to New Zealand Parliament.—SECRETARY OF STATE FOR THE COLONIES.

40796

No. 40.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.30 a.m., 16th August, 1922.)

TELEGRAM.

16TH AUGUST. In Budget statement to Parliament yesterday Prime Minister estimated revenue for financial year ending 31st March next at £26,250,000 and expenditure at £27,938,000. Deficit will be made good by the transfer of £2,000,000 from reserve funds. He made no disclosure as to Naval Policy, but stated that if financial conditions permit it is proposed in the next financial year total contributions from New Zealand towards naval defence should be increased to £500,000 per annum including estimated cost of "Chatham" and "Philomel" £300,000 per annum and payments on account of H.M.S. "New Zealand" about £100,000 per annum. Prime Minister stated that this increase may seem small, but that if agreed to it will be moved in right direction and could be improved upon as time goes on and as financial conditions admit.—JELlicoe.

41120

No. 41.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 a.m., 18th August, 1922.)

TELEGRAM.

[Answered by Nos. 43 and 44.]

(Paraphrase.)

18TH AUGUST. Your telegram 12th July.† My Ministers much regret that Admiralty will be unable to replace the "Chatham" by oil-burning light

* No. 38. † No. 35.

cruiser by October, 1923, as was hoped. They trust, however, that in order to meet difficulty thus presented it will be possible for Admiralty to agree to extend for one more year the service under the Government of New Zealand of men and any officers whose services can be spared without prejudicing their future career in the Royal Navy and who are prepared to volunteer. Ministers hope also that oil tanker and oil-burning light cruiser will be ready to commission not later than August, 1924.—JELlicoe.

46841

No. 42.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th September, 1922.)

[Answered by No. 45.]

(Confidential.)

SIR,

Government House, Wellington, 21st July, 1922.

At the request of my Prime Minister, I have the honour to submit, for the concurrence of the Lords Commissioners of the Admiralty, that the ship destined to replace H.M.S. "Chatham" should be re-named H.M.S. "New Zealand" on commissioning for that purpose. The desire is to perpetuate the Dominion connexion, and this appears to be an appropriate method of effecting that object.

2. I shall be grateful if information can be sent to me that this proposal will be carried out.

I have, &c.,

JELlicoe.

Governor-General

49283

No. 43.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.45 a.m., 5th October, 1922.)

TELEGRAM.

Your telegram 18th August.* Admiralty agree to extension another year engagements of officers and men now lent who volunteer. Usual pension arrangements. Despatch† follows.—SECRETARY OF STATE FOR THE COLONIES.

49283

No. 44.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 46.]

(No. 203.)

My LORD,

Downing Street, 5th October, 1922.

In confirmation of my telegram of the 5th of October,‡ I have the honour to request Your Excellency to inform your Ministers that the Lords Commissioners of the Admiralty have no objection to the extension for another year of the engagements of the personnel now lent from the Royal Navy for service in H.M.S. "Chatham," provided that the officers and ratings concerned elect to volunteer, and subject to the usual pension contributions being paid for the extended period of their loan to the Dominion.

2. The Lords Commissioners explain, however, that your Government would not be asked to pay these contributions in respect of service performed by officers and ratings after the date of their retirement from the Royal Navy.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 41.

† No. 44.

‡ No. 43.

49710

No. 45.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

My LORD,

Downing Street, 11th October, 1922.

With reference to Your Excellency's Confidential despatch of the 21st of July,* I have the honour to request you to inform your Ministers that the Lords Commissioners of the Admiralty concur in the suggestion that the ship destined to replace H.M.S. "Chatham" should be re-named "New Zealand."

2. The necessary orders will be issued in due course.

I have, &c.,

WINSTON S. CHURCHILL.

63194

No. 46.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.50 a.m., 22nd December, 1922.)

TELEGRAM.

22ND DECEMBER. Your despatch 5th October, No. 203.† My Ministers request Admiralty may be informed that to enable commission of "Chatham" to be extended till 1924 approximately 200 officers, petty officers and men comprised of all ranks and ratings will be required, which it is hoped Admiralty will agree to lend for three years under previous conditions. Lists showing actual numbers of various ranks and ratings required will be sent by mail, but as majority of those selected should reach New Zealand by next June, my Ministers hope that early action will be taken to call for volunteers.—JELlicoe.

OFFER OF WARSHIPS.

(a) General.

51727

No. 47.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 48, 49, 50, 52 and 53.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 442.)

[My LORD,] [SIR,]

Downing Street, 29th October, 1921.

I HAVE the honour to request [Your Royal Highness,] [Your Excellency,] [you,] to inform your Ministers that the Lords Commissioners of the Admiralty have had under consideration the question of the date from which they should be regarded as having ceased to have responsibility for the satisfactory stability, seaworthiness, etc., of any of His Majesty's ships which have passed, or may pass, from their control to the control of the Governments of the self-governing Dominions.

2. Their Lordships are of opinion that the most convenient date for this purpose would be that of handing over the ships to the representatives of the Governments concerned, and they would be glad to learn whether your Ministers concur in this view.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 42.

† No. 44.

62639

No. 48.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th December, 1921.)

(No. 708.)

SIR,

Government House, Ottawa, 30th November, 1921.

WITH reference to your despatch Dominions No. 442, of the 29th October,* suggesting that the most convenient date from which the Admiralty should be regarded as having ceased to have responsibility for the satisfactory stability, seaworthiness, etc., of any of His Majesty's ships which have passed from their control to the control of the self-governing Dominions would be that of handing over the ships to the representatives of the Government concerned, I have the honour to inform you that my Ministers concur in this view.

I have, &c.,

BYNG OF VIMY.

1462

No. 49.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th January, 1922.)

[Answered by No. 51.]

(No. 767.)

SIR,

Governor-General's Office, Pretoria, 15th December, 1921.

I HAVE the honour to transmit to you, herewith, with reference to your despatch Dominions No. 442, of the 29th October, 1921,* copy of a minute from Ministers on the subject of the responsibility for the seaworthiness, etc., of His Majesty's ships passed to the control of the Governments of the self-governing Dominions.

I have, &c.,

ARTHUR FREDERICK.

Governor-General.

Enclosure in No. 49.

MINUTE 1153.

Prime Minister's Office, 12th December, 1921.

MINISTERS have the honour to acknowledge receipt of His Royal Highness the Governor-General's Minute No. 2/1652, of the 25th November, 1921, and to inform His Royal Highness that they concur in the view expressed in despatch Dominions No. 442, of the 29th October, 1921, that the date from which the Lords Commissioners of the Admiralty should be regarded as having ceased to have responsibility for the satisfactory stability, seaworthiness, etc., of any of His Majesty's ships which have passed, or may pass, from their control to the control of the Governments of the self-governing Dominions should be the date of handing over the ships to the representatives of the Government concerned.

In the case of His Majesty's ships "Crozier," "Eden," and "Foyle," Ministers suggest that the date be regarded as the dates upon which these vessels sailed from Devonport last month, viz., H.M.S. "Crozier" on 25th November, 1921, H.M.S. "Foyle," and H.M.S. "Eden" on 24th idem.

J. C. SMUTS.

* No. 47.

5013

No. 50.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st February, 1922.)

(No. 11.)

SIR,

Government House, St. John's, 20th January, 1922.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 442, of the 29th October last,* on the subject of responsibility for the satisfactory stability, seaworthiness, etc., of any of His Majesty's ships which have passed or may pass from the control of the Admiralty to the control of the Governments of the self-governing Dominions.

2. My Ministers concur in the opinion that the most convenient date for this purpose would be the date of the handing over of the ships to the representatives of the Government concerned, and have accordingly assumed responsibility in respect of the ships which have been passed to them, as from that date.

3. This appears to me to settle finally the case of the "Lobelia," which was the subject of correspondence ending with Lord Milner's telegram of 29th December, 1920.†

I have, &c.,

C. ALEXANDER HARRIS.

4881

No. 51.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 55.)

SIR,

Downing Street, 3rd February, 1922.

WITH reference to Your Royal Highness's despatch No. 767, of the 15th of December, 1921,‡ regarding the date on which the Admiralty should be regarded as having ceased to have responsibility for certain of His Majesty's ships which have passed to the control of your Government, I have the honour to request you to inform your Ministers that the Lords Commissioners of the Admiralty concur in fixing the dates in the case of H.M. ships "Crozier," "Eden," and "Foyle" as the dates upon which these vessels sailed from Devonport, viz., H.M.S. "Crozier" on the 25th November, 1921, and H.M. ships "Foyle" and "Eden" on the 24th November, 1921.

I have, &c.,

WINSTON S. CHURCHILL.

7765

No. 52.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th February, 1922.)

(No. 5.)

SIR,

Governor-General's Office, Melbourne, 6th January, 1922.

REFERRING to your despatch dated 29th October, 1921, Dominions No. 442,* relative to the date from which the Lords Commissioners of the Admiralty should be regarded as having ceased to have responsibility for the stability, seaworthiness, etc., of any of His Majesty's ships which have passed or may pass from their control to the control of the self-governing Dominions, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government concurs in the view that the responsibility of Their Lordships should cease from the date on which the vessels are handed over to the representatives of the Government concerned.

I have, &c.,

FORSTER.

Governor-General.

* No. 47.

! 62965: not printed.

! No. 49.

8913

No. 53.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th February, 1922.)

(No. 5.)

SIR, Government House, Wellington, 11th January, 1922.
I HAVE the honour to inform you that my Ministers concur in the opinion of the Lords Commissioners of the Admiralty, as expressed in paragraph 2 of your despatch, Dominions No. 442, of the 29th October last,* relative to the date on which the Admiralty cease to assume responsibility for the stability, seaworthiness, etc., of any of His Majesty's ships which have passed or may pass from the control of the Admiralty to the control of the Government of this Dominion.

I have, &c.,

JELLICOE,
Governor-General.

62407

No. 54.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 436.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR.] Downing Street, 29th December, 1922.

WITH reference to my predecessor's despatch Dominions No. 442 of the 29th of October, 1921,* relative to the responsibility for the satisfactory stability, seaworthiness, etc., of His Majesty's ships which have passed under the control of the Dominion Governments, I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Lords Commissioners of the Admiralty are of opinion that the responsibility for the efficiency of the armament of the various ships and their naval armament stores, including all ammunition, should also rest with the Dominion Governments concerned.

2. Their Lordships would continue to give full information as to any matter which may affect the efficiency of the armament material, and also as to the discovery and elimination of defective ammunition in supply to all ships, and to offer any advice to the Dominion Governments when so desired, but they do not consider that the Admiralty should be held responsible for the efficiency of explosives over which they have no control, and as to which they do not receive the same information as from ships of the Royal Navy.

3. I should be glad to learn whether your Ministers concur in this view, and if so, whether they would be prepared to assume responsibility for the material in question, as has been suggested by the Lords Commissioners, as from the date of issue or supply.

I have, &c.,

DEVONSHIRE.

* No. 47.

(b) Australia.

(1) Gift of Coastal Motor Boats.

8990

No. 55.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.27 a.m., 24th February, 1921.)

TELEGRAM.

[Answered by No. 56.]

24TH FEBRUARY. Confidential. My Ministers, having in view the use for defence purposes of coastal motor boats, would be glad if Admiralty could be asked whether they will be disposed to make a free gift to the Government of Commonwealth of Australia of a number of these vessels if available. It has been decided to establish a volunteer reserve force of yachtsmen who will be available in emergencies to man these vessels.—GOVERNOR-GENERAL.

21337

No. 56.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.15 a.m., 5th May, 1921.)

TELEGRAM.

[Answered by No. 57.]

CONFIDENTIAL. Your telegram 24th February.* Lords Commissioners of Admiralty will be pleased to present four 55-foot coastal motor boats to Commonwealth Government as free gift, together with certain spares and accessories, provided that cost of maintenance from date of acceptance will be borne by Commonwealth Government, such cost to include all expenses of transport to Australia.—CHURCHILL.

25352

No. 57.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.35 a.m., 23rd May, 1921.)

TELEGRAM.

CONFIDENTIAL. Your telegram 5th May,† coastal motor boats. My Ministers appreciate fully and express thanks for offer but as they do not consider present time opportune for establishment of coastal motor service in Australia have decided to decline.—GOVERNOR-GENERAL.

(2) Use of Secret Patent.

1643/S

No. 58.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th January, 1921.)

(Secret.)

MY LORD, Governor-General's Office, Melbourne, 29th November, 1920.

I HAVE the honour to inform Your Lordship that I am advised by my Prime Minister that Ministers have had under consideration a letter dated 19th August, 1920, addressed by the Secretary of the Admiralty to the Official Secretary to the

* No. 55.

† No. 56.

High Commissioner for Australia, in London, relative to the supply of apparatus to the Royal Australian Navy (such apparatus being covered by British Admiralty Secret Patents), in which the Admiralty intimates that before making delivery it is necessary that certain conditions be observed.

My Ministers desire that the Lords Commissioners of the Admiralty may be informed that the Commonwealth Government is willing to undertake:—

(a) that the details of the apparatus will be kept as secret as possible;

(b) that in the event of it being desired to manufacture in Australia any gear covered by the British Admiralty Secret Patent, the Commonwealth Government would pay to the patentee such sum, in lieu of royalty, as the Admiralty might consider equitable.

It is observed that His Majesty's Australian ships are already fitted with the apparatus in question, and any gear supplied for the Gunnery and Torpedo Schools will be subject to the same careful control as the apparatus in His Majesty's Australian ships.

The Commonwealth Naval Board is issuing a Confidential Standing Order calling attention to the necessity for observing strictly the conditions mentioned above, and directing that special attention be drawn to any case where it may be necessary to replace any parts of such secret apparatus, in order that arrangements may be made for its supply by the Admiralty, or payment of the fee due to the inventor if manufactured in Australia.

I have, &c.,
FORSTER,
Governor-General.

(c) New Zealand.
Gift of Guns.

(See pages 141-142 of *Dominions No. 72.*)

7273

No. 59.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.55 p.m., 23rd February, 1921.)

TELEGRAM.

YOUR telegram 25th September.* Admiralty state that the four guns presented to New Zealand Government were shipped in s.s. "Port Darwin," which sailed from London 8th February. Mountings, instructional appliances and stores follow.—CHURCHILL.

OFFER OF MINES AND SINKERS.

(See pages 143 and 144 of *Dominions No. 72.*)

34607

No. 60.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.40 a.m., 12th July, 1921.)

TELEGRAM.

[Answered by No. 61.]

(Paraphrase.)

My Government wish to ascertain if any mines and sinkers could now be presented to New Zealand. If so, they would be glad to be advised of the number and type of such mines available. See your telegram of the 14th November, 1919,† and my telegram of the 6th February, 1920.‡—JELlicoe.

* No. 281 in *Dominions No. 72.* † No. 285 in *Dominions No. 72.* ‡ No. 287 in *Dominions No. 72.*

40600

No. 61.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 16th August, 1921.)

TELEGRAM.

(Paraphrase.)

With reference to your telegram 12th July*; Admiralty regret that no mines are now available for purpose of presentation.—SECRETARY OF STATE FOR THE COLONIES.

RECIPROCAL UTILIZATION OF NAVAL PERSONNEL ON MOBILIZATION.

21884

No. 62.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th May, 1922.)

[Answered by No. 64.]

(No. 173.)

SIR,

Governor-General's Office, Cape Town, 20th April, 1922.

I HAVE the honour to transmit to you herewith copy of a Minute from Ministers (with enclosure), on the subject of the status of officers and other ranks, who are resident and permanently domiciled in the Union, but who belong to "His Majesty's Reserve Forces," Naval, Military or Air.

2. I should be glad if the reply of His Majesty's Government could be communicated to me by telegraph.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 62.

MINUTE 276.

Prime Minister's Office, Cape Town, 13th April, 1922.

MINISTERS have the honour to inform His Royal Highness the Governor-General that they are experiencing some little difficulty on the matter of dealing with the status of officers and other ranks who are resident and permanently domiciled in the Union, but who belong to "His Majesty's Reserve Forces," Naval, Military or Air.

2. There is, of course, since the Great War, a very considerable number of persons belonging to so called "Imperial Reserve Forces"; the majority of these were born or domiciled in South Africa long before the Great War, and the Union Government should, it is submitted, have the call on their services in the Union or for the purposes of the Union Defence Forces, both in peace and in war.

3. As the South Africa Defence Act, 1912, now stands, however, by the definition of "citizen" in section 124, such persons are definitely excluded from serving in the Union Defence Forces or from the obligations for personal service laid down as a fundamental principle in section 1 of that Act.

4. A great number of them are anxious to assist in building up the Union Defence Organization, a process which for financial reasons is and for a little time will remain in abeyance to a rather large extent. Others again wish by joining the Union Reserve of Officers to make their services available in time of war or other emergency.

* No. 60.

5. As the law now stands, however, there is a technical difficulty in accepting or using their services as they are not "citizens" and, therefore, unless they relinquish their commissions or status as members of the Imperial Reserves, their services are lost to the Union. This places them and the Union Defence authorities in an awkward and invidious position.

6. To remedy this state of affairs, Ministers propose to ask Parliament during the course of the present session to amend the definition of citizen in the Defence Act in the manner indicated in the annexure hereto, and Ministers would be glad to have early intimation that the terms of this amendment are agreeable to His Majesty's Government.

7. Ministers invite special attention to the provision in the draft amendment, whereby individual reservists can at the discretion of the Union Minister of Defence be released for Imperial service if specially required by the Imperial authorities. It can, Ministers think, be taken for granted that this exemption would almost invariably be granted whenever the services of a particular individual on an Imperial Reserve who had special qualifications was required by His Majesty's Government. Only where the services of such an individual were essential for the Union Organization, could any question arise of the Minister refusing exemption and, seeing that the strength of the South African forces is a fraction only of that of the Imperial forces, it would obviously be easier for the very much larger organization to do without the services of an individual expert, which were, in fact, essential to the smaller organization.

8. Ministers trust, therefore, that His Majesty's Government will accept this solution of a difficulty, and will not regard it as an anomaly that an individual should be at the same time a member of both an Imperial and a Dominion reserve organization. It would, in Ministers' opinion, be most unfortunate if South Africans had to abandon their status in the Imperial Reserves (Naval, Military or Air), in consequence of the alteration to the Defence Act now proposed.

J. C. SMUTS.

ANNEXURE.

VI. By the amendment of section one hundred and twenty-four, by the deletion of the definition of "citizen" and the substitution therefore of the following definition:—

"Citizen shall mean any male British subject in the Union other than a British subject serving in His Majesty's Royal Navy, Regular Military Forces or Royal Air Force or employed on the personal staff of the Governor-General of the Union. It shall include any person domiciled in the Union and belonging to the Reserve of those forces, or to His Majesty's Auxiliary forces, but if the services of any such person are required by His Majesty's Government for duty outside the Union in any of these Reserve or Auxiliary forces, the Minister may exempt that person from service under this Act for as long as he is so required."

22485

No. 63.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.15 a.m., 12th May, 1922.)

TELEGRAM.

[Answered by No. 64.]

11TH MAY. Defence Act Amendment Bill, which has now passed Committee stage and third reading in House of Assembly, contains amendment of definition of citizen, see my despatch 20th April, No. 173.* If His Majesty's Government see any objection to proposal please advise me by telegram soon in order that Ministers may consider matter before Committee stage is reached in Senate.—ARTHUR FREDERICK.

* No. 62.

24909

No. 64.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6 p.m., 26th May, 1922.)

TELEGRAM.

[Answered by No. 68.]

26TH MAY. Your despatch 20th April, No. 173,* your telegram 11th May,† Defence Act Amendment Bill. Admiralty request your Government may be informed as follows:—

Begins: Memorandum C in Admiralty letter 3rd March to High Commissioner for Union,‡ represents considered opinion of Admiralty on question for all parts of Empire. On merits of case and also for sake of uniformity in Empire Admiralty trust Union Government will not press alternative proposals. *Ends.*

I hope to communicate views of Army Council and Air Council at early date.—SECRETARY OF STATE FOR THE COLONIES.

27594

No. 65.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.45 p.m., 14th June, 1922.)

TELEGRAM.

[Answered by No. 68.]

14TH JUNE. Your telegram 13th June,§ definition of citizen. Air Council have no objection to proposals. Army Council state that they have no objection to a Dominion or Colony making it an obligation for officers of Regular Army Reserve of Officers to serve Dominion or Colony in same way as any other citizen residing there, provided always that it is recognized that War Office retains right to call upon any such officers for service should a national emergency be imminent or have occurred. Further reply will be sent regarding position of Army Reservists. Copy of War Office letter|| follows by mail.—SECRETARY OF STATE FOR THE COLONIES.

27594

No. 66.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 68.]

(No. 181.)

SIR,

Downing Street, 15th June, 1922.

With reference to my telegram of the 14th instant,¶ I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a letter from the War Office respecting the position with regard to military service of Officers of the Regular Army Reserve of Officers who are resident in the Dominions or Colonies.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 62.

† No. 63.

‡ See enclosure in No. 67.

§ 28432: not printed: reminder.

|| Enclosure in No. 66.

¶ No. 65.

Enclosure in No. 66.

SIR,

War Office, London, S.W., 9th June, 1922.

WITH reference to your letter of the 13th ultimo, enclosing a copy of a despatch and telegram from the Governor-General of the Union of South Africa, also a copy of the South Africa Defence Act, 1912, I am commanded by the Army Council to inform you that they consider that in the case of officers resident in the Dominion or Colony, there are two distinct cases where military service might be required—

- (1) A national emergency such as the late War.
- (2) That of a local rising or rebellion.

(1) In the case of a national emergency, the War Office should retain their full rights under Article 518 of the Royal Warrant for Pay, regarding the calling up of officers of the Regular Army Reserve of Officers, Class II, wherever they happen to be resident.

Should the national emergency be such that a Dominion or Colony may require the services of officers residing in its country, it should apply to the Secretary, War Office, for permission to recall such officers of the Regular Army Reserve of Officers and use them for service in its own country with troops of the Regular Forces, Militia, or Territorial Army.

Should there be no troops of the Regular Army, Militia or Territorial Army in the Dominion or Colony, it should ask for permission to employ officers of the Regular Army Reserve of Officers resident in their country who are willing to volunteer their services.

(2) In the case of a local rising or rebellion, the Governor or General Officer Commanding of the Dominion or Colony should apply to the Secretary, War Office, by wire for permission to utilize the services of those officers of the Regular Army Reserve of Officers resident in his particular Dominion or Colony, who are willing to volunteer their services.

This permission will not be withheld unless a national emergency appears imminent or has occurred, and the officers' services are required by the War Office in the Dominion or Colony or elsewhere.

The War Office has no objection to a Dominion or Colony making it an obligation for officers of the Regular Army Reserve of Officers to serve the Dominion or Colony in the same way as any other citizen residing in the Dominion or Colony, provided always that it is recognized that the War Office retains the right to call upon any such officers for service should a national emergency be imminent or have occurred.

(3) It is further recommended that the Secretary, War Office, should notify Governors and General Officers Commanding, of the names and addresses of officers of the Regular Army Reserve of Officers resident in their respective Dominions or Colonies.

I am to point out, however, that an officer who serves with Dominion Forces at the request of the Dominion and with the consent of the War Office, cuts himself off entirely from any benefits in the way of any War Gratuity, increased pension, or other advantage that may be given from Imperial Funds for Imperial Service. It is presumed that he will have the benefit of whatever may be done from Dominion funds.

I am to add that the position of the Army Reservist who proceeds to reside abroad is being further considered. Any fresh decisions that may be reached on that question will not be prejudiced by what is agreed as regards officers.

I am, &c.,

H. J. CREEDY.

The Under Secretary of State,

Colonial Office,

Downing Street, S.W.1.

36239

No. 67.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th July, 1922.)

(Confidential.)

SIR,

Governor-General's Office, Melbourne, 2nd June, 1922.

I HAVE the honour, at the instance of my Prime Minister, to forward herewith a copy of a letter, and its enclosure, addressed to the Official Secretary in Great Britain of the Commonwealth of Australia, suggesting that uniform and reciprocal arrangements be adopted for regulating the extent to which naval personnel raised in Great Britain, who happen at a time of mobilization to be in one of the Dominions, should be utilized for the naval service of the Dominion, and vice versa; and to inform you that the Commonwealth Government agrees to the reciprocal arrangements suggested.

In this connexion my Prime Minister advises that it was recently suggested to the Admiralty through the Commonwealth Naval Representative in London that the Navy Office, Melbourne, should be supplied with a list of all pensioners and officers on the emergency list who are now or may be in the future resident in Australia, together with their latest known addresses, and that the Commonwealth Government presumes that the further communication referred to in the letter under notice will include the desired list.

I have, &c.,

FORSTER,

Governor-General.

Enclosure in No. 67.

(Confidential.)

SIR,

Admiralty, S.W.1, 3rd March, 1922.

WITH reference to your letter of the 15th July last, No. N.O.158, relative to the utilization by the Commonwealth Government for Naval Services of members of the Imperial Naval Reserves who may be in the Commonwealth at a time of mobilization, I am commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the High Commissioner, that they have given careful consideration to this question not only in regard to the Commonwealth of Australia, but also in relation to the other British Dominions Overseas which have their own Naval Forces.

2. My Lords consider that it would be of advantage if uniform and reciprocal arrangements could be adopted for regulating the extent to which Naval personnel raised in Great Britain who happen at a time of mobilization to be in one of the Dominions should be utilized for the Naval Service of the Dominion and vice versa.

3. Their Lordships accordingly suggest for consideration the scheme outlined in the accompanying Memorandum marked "C," and I am to inquire whether the Government of the Commonwealth of Australia would be prepared to agree to the arrangements therein proposed and to accord reciprocal facilities to the Admiralty.

4. On receipt of your reply a further communication will be sent as regards mobilization arrangements.

5. Similar letters have been addressed to the Secretaries to the High Commissioners for the Union of South Africa, the Dominion of Canada, and the Dominion of New Zealand.

I am, &c.,

W. J. EVANS.

The Official Secretary,
Commonwealth of Australia,
Commonwealth Offices,
Australia House,
Strand, W.C.2.

(Confidential.)

MEMORANDUM "C"

As to the utilization by the Government of a Dominion, for mine-sweeping and the control of merchant shipping, of Naval Personnel who are in the Dominion at a time of mobilization.

Note.—The word "Dominion" is used throughout to include "Commonwealth" and "Union."

1. (a) *Officers, Royal Navy, on the Emergency List.*

These officers are volunteers and are under no binding obligation to serve in time of war. The Admiralty have no objection to the Dominion Government utilizing their services on mobilization, if they themselves consent. Such officers would be given the option, when they proceed abroad, of serving either in the Royal Navy or under the Dominion Government.

(b) *Retired Officers, Royal Navy.*

The Admiralty have no objection to these officers, whether permanently or only temporarily in the Dominion, being utilized in the first instance by the Dominion Government and regarded as lent to the Dominion Service in the same way as Active Service Officers lent to the Dominions in time of peace, provided that the names of all such officers who have been called up by the Dominion Government are at once telegraphed to the Admiralty. My Lords reserve the right to re-allocate to the Imperial Service such of them as may be specially required on account of their Gunnery or other qualifications. *This right would not be exercised unless the officer's services were really urgently required elsewhere.*

(c) *Special Reserve of Engineer Officers, Royal Navy.*

The Admiralty agree to the utilization by the Dominion Government of such of these officers as can be found employment in seagoing fighting ships, but request that any surplus may be left at the disposal of the Admiralty, the names of such officers in either category being telegraphed to the Admiralty as soon as possible after mobilization.

(d) *Officers, Royal Naval Reserve.*(i) *Domiciled in the Dominion.*

The Admiralty are prepared to allow the services of these officers to be utilized by the Dominion Government.

(ii) *Temporarily in the Dominion.*

The services of all these officers would be required in the Royal Navy, and the Admiralty regret that it would not be practicable to allow them to be utilized by the Dominion Government. Moreover, in order not to disorganize the Mercantile Marine, it is considered desirable that (unless in exceptional circumstances, of which the Naval Commander-in-Chief should be the judge) officers and men should not be taken from merchant ships till completion of the round voyage on which they are engaged at the time of mobilization.

(e) *Royal Navy Pensioners (Long Service and Disability).*(i) *Domiciled in the Dominion.*

The Admiralty agree to these men's services being utilized by the Dominion Government subject to the conditions stated above in the case of retired officers, Royal Navy. It would, however, be sufficient to telegraph the names of those pensioners who held non-substantive ratings other than seaman gunner or seaman torpedo man, complete lists being forwarded by post at the earliest opportunity.

(ii) *Temporarily in the Dominion.*

The services of these men will be required in the Royal Navy.

(f) *Ratings, Royal Naval Reserve and Royal Fleet Reserve.*(i) *Domiciled in the Dominion.*

Such men are under present Regulations discharged from the Reserves prior to emigration. The question, however, of relaxing this rule is under consideration, and a further communication will be made on the subject.

(ii) *Temporarily in the Dominion.*

The services of these men will be required in the Royal Navy, and the Admiralty regret that they are unable to agree to their being utilized by the Dominion Government. The observations in the case of officers, Royal Naval Reserve, as to the undesirability of removing them from merchant ships till the voyage is complete apply equally to men.

2. The Admiralty are willing that those officers and men, referred to above, to whose employment by the Dominion Government on mobilization no objection is offered, should be permitted, if they desire, to join a local Naval Reserve Force in time of peace, at the same time retaining their ranks and ratings in the Imperial Naval Service.

3. As regards pay, allowances, outfit grants, and pensions payable on account of disability, or to the widows and children of deceased personnel, the Admiralty consider that as a general rule all officers and men mentioned above who may be loaned to the Dominion Government should come under that Government's Regulations unless and until they are re-allocated for Imperial Service; but that they should be permitted to come under the Imperial Regulations (at the charge of the Dominion Government) governing these matters if they prefer to do so, except in the case of officers on the Emergency List volunteering for Dominion Service, who would in all cases be governed by the Dominion Regulations.

4. Leave and sick leave would be governed by Imperial or Dominion Regulations according to the Service in which the officer or man was employed.

5. It is desirable that the lists of officers and men who are thus to be utilized by the Government of a Dominion should be completed as far as possible in time of peace and communicated to the Admiralty.

51686

No. 68.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 17th October, 1922.)

[Answered by No. 70.]

(No. 523.)

SIR,

Governor-General's Office, Pretoria, 23rd September, 1922.

I HAVE the honour to transmit to you herewith, with reference to my despatch No. 173, of 20th April, 1922, your telegrams of 26th May, 1922, and 14th June, 1922, and your despatch No. 181, of 15th June, 1922,* copy of a Minute from Ministers, on the subject of the position under the South Africa Defence Act Amendment Act, 1922, of officers and other ranks belonging to His Majesty's Reserve Forces, Naval, Military and Air.

2. Copies of this Act were transmitted to you under cover of my despatch No. 376, of the 13th July, 1922.†

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 68.

MINUTE 732.

18th September, 1922.

MINISTERS have the honour to state with reference to His Royal Highness the Governor-General's minutes 1/1320 of 29th May, 1922, 1/1321 of 15th June, 1922, and 1/1322 of 7th July, 1922, that the draft amendment to the South Africa Defence Act, 1912, which was communicated under cover of Ministers Minute No. 276, of 13th April, 1922, has been included in the South Africa Defence Act Amendment Act (No. 22 of 1922).

2. Ministers submit that there can be no objection in principle to requiring all British subjects, domiciled in a self-governing Dominion to conform to the law of that Dominion providing for every citizen being liable for personal service in time of war for the defence of that Dominion, or for service in the prevention and suppression of internal disorder within that Dominion.

3. In their Minute of 13th April, 1922, referred to above, Ministers pointed out the very real practical difficulties and objections which attended the exemption of members of the Reserve Forces of Great Britain contained in the definition of

* Nos. 62, 64, 65 and 66.

† 37606: not printed.

"citizen" in section 124 of the South Africa Defence Act, before it was amended during the last session of the Union Parliament.

4. Ministers are confident that His Majesty's Government will recognize that that exemption was not justifiable. It could not for instance have been applied to members of the Reserve Forces of other Self Governing Dominions within the British Empire, who were domiciled in the Union.

5. As regards the views of the Admiralty, War Office, and Air Ministry conveyed to Ministers under cover of His Royal Highness's minutes referred to above, Ministers note that there is no objection in the case of members of the reserves of the Royal Air Force.

6. In the case of the War Office, the terms of Sir Herbert Creedy's letter, dated 9th June, 1922, do not assist to a solution of the difficulty. Ministers point out that it is not sought to recall from outside the Union for service with the Union Defence Forces any members of Union Reserves who are not domiciled in the Union, nor again does the Union law provide for calling upon members of Imperial Reserves who are not domiciled in the Union. Ministers invite attention to paragraph 7 of their Minute No. 276 of 13th April, 1922, and desire to state that in the ordinary course it can be taken for granted that exemption from service with the Union Defence Forces will be granted by the Minister of Defence to any member of the Imperial Reserve domiciled, i.e., residing permanently in the Union for whose services a request is made by the War Office. Ministers suggest that the War Office should supply the Union Defence Department from time to time with lists of officers and other ranks of the Imperial Army Reserves domiciled in the Union, for whose services outside the Union it is at all likely that a demand would be made. So far as possible, persons on such lists would not be assigned for any special posts in the Union organization in time of war.

7. Regarding the Admiralty letter of 3rd March, 1922, to the Secretary, High Commissioner for the Union of South Africa, and the memorandum "C" covering that letter, it will be observed that this letter and memorandum were prepared before the Union Government's concrete proposals in the form of an amendment to the South Africa Defence Act, 1912, were available for consideration, but the terms of that memorandum are substantially in harmony with the provisions of the Defence Act as now amended, and subject to some necessary minor alterations which can be dealt with later in detail, the terms of that memorandum are acceptable to the Union Government. Ministers suggest that the Admiralty should from time to time furnish lists of officers and other ratings of the Imperial Naval Reserves domiciled in the Union.

F. S. MALAN.

57214

No. 69.

ADMIRALTY to COLONIAL OFFICE.

(Received 21st November, 1922.)

[Answered by No. 73.]

(Confidential.)

SIR,

Admiralty, 18th November, 1922.

I AM commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they have had under consideration the revision of the present provision in the Regulations for the Government of the Royal Fleet Reserve, under which residence in the United Kingdom, the Channel Islands, or the Isle of Man is a condition of membership of that Reserve, and men proceeding abroad for periods exceeding six months are discharged.

2. The existing state of employment in the United Kingdom renders it desirable to consider the possibility of allowing a proportion of Royal Fleet Reservists to settle in British Dominions or Colonies, while retaining their membership of the Reserve and the present and prospective benefits attaching to such membership, provided that arrangements can be made for them to carry out locally the periodical training prescribed by the Regulations: and I am to request that you will move the Secretary of State to inquire to what extent it would be possible for the Dominion Governments to make such arrangements in the case of Royal Fleet Reservists.

emigrating to the Dominion of Canada and the Commonwealth of Australia. The arrangements for training men resident in other Dominions and Colonies would be made by the local Senior Officer, R.N.

3. The rules now in force for the training of the Royal Fleet Reserve are as follows:—

(i) Class A (Long Service Pensioners) are required to perform one week's training during the calendar year following the year of enrolment in the Reserve, and one week's training during each alternate calendar year thereafter, excluding the year in which they become qualified for Reserve Pension and are finally discharged from the Reserve.

(ii) Class B (men discharged from the R.N. or R.M. without a Pension, and enrolled in the Reserve) are required to perform one week's training during the calendar year following that in which they enrol, and one week's training during each subsequent calendar year. In cases where enrolment is not effected within one year of discharge from the Active Service, a week's training is also required immediately on enrolment. Training is not required in the year in which men are due for final discharge with Reserve gratuity.

(iii) In the case of R.F. Reservists training at the Home Ports, a week's training consists of six forenoon and five afternoon drills. Special classes of instruction are formed:—

(a) for Gunnery ratings at the Gunnery Schools;

(b) for Torpedo ratings at the Torpedo Schools;

(c) for Submarine ratings, who volunteer for further service as such, at the Submarine School;

(d) for ratings with anti-Submarine qualifications at the anti-Submarine School;

(e) for other Seamen and Stokers at the Royal Naval Barracks—training of Stokers being carried out by the Engineer Officers;

(f) for Signal and W/T. ratings at the Signal School;

(g) for Sailmakers at the Dockyard Sail Lofts;

(h) for the Regulating Branch at the Royal Naval Barracks; and

(i) for Royal Marines at the Royal Marine Headquarters.

4. Their Lordships appreciate that, in the Dominions, the same facilities for the specialist training of Seaman ratings may not exist locally as in the United Kingdom. In such cases they would be satisfied if men were to carry out Gunnery or Torpedo training, according to the non-substantive ratings held by them in the Service, or where no non-substantive rating is held, if they performed only Gunnery training.

5. In the case of Royal Marines, Their Lordships suggest that they should undergo instruction in Gunnery afloat, and that in cases where, owing to distance from a port, it is impracticable for them to carry out training in His Majesty's ships, arrangements might be made for them to undergo training with the Military Forces of the Dominion or Commonwealth.

6. In the event of such a scheme being approved, it would further be necessary for suitable arrangements to be made for candidates for the Royal Fleet Reserve to be examined locally as to their eligibility and suitability for enrolment, and for the payment of retainers to qualified men of Class B in accordance with the Regulations.

7. Their Lordships suggest the following general procedure: Men resident in the Dominion or Commonwealth, who were desirous of being enrolled, would be furnished with the necessary forms and instructions by the Dominion or Commonwealth authorities, and examined as to their fitness for the Reserve. A note would be made on the form of enrolment that the candidate had been examined and found fit, and the form, when properly filled in, would be sent to the Registrar, Royal Fleet Reserve, at the Home Port to which the applicant, while in the Service, was attached, for the enrolment to be completed. The Registrar at home would be kept informed whether the men had performed their drills, and a similar record would be kept locally.

8. The arrangements for the payment of men undergoing drill, and for the payment of retainer, would be made under the same conditions as apply to the Reserve at home, as provided in the Royal Fleet Reserve Regulations. An allowance for travelling and subsistence expenses, not exceeding a prescribed total, would be payable at the discretion of the Dominion or Commonwealth authorities for the men's journey to and from their homes when attending drill, and recoverable from

this Department, together with authorized payments made in respect of drill money and retainer.

9. The Registrars of the Royal Fleet Reserve at home would be directed to communicate to the Dominion or Commonwealth authorities the names and particulars of Royal Fleet Reservists at home who were permitted to proceed to the Dominion or Commonwealth, and to direct such men to report themselves on arrival to the Naval Authorities with a view to their performing their drills and receiving their retainers abroad.

10. Cases of misconduct on the part of Royal Fleet Reservists in the Dominion or Commonwealth would be dealt with by the Dominion or Commonwealth authorities under the Royal Fleet Reserve Regulations, any dismissals from the Reserve being notified to the Registrar, Royal Fleet Reserve, of the man's Port Division.

11. It would be necessary for the Dominion or Commonwealth Authorities to keep a list of the Royal Fleet Reserve men under their jurisdiction, and to make arrangements for their mobilization in the event of an emergency involving the mobilization of the Royal Fleet Reserve. As regards the employment of Royal Fleet Reserve men on mobilization, while My Lords consider it essential that these men, who were given their initial training in the Royal Navy, and whose retainers and other emoluments are paid from the Imperial Exchequer, should be regarded as available for general service in time of war, they are prepared to leave their allocation in the first instance on mobilization to the discretion of the Dominion or Commonwealth Authorities, observing that it would probably prove desirable to draft some of them as gun's crews to defensively-equipped merchant ships in Dominion or Commonwealth ports, and so enable the vessels to proceed to their destinations. My Lords would be glad, however, if the names of any men holding higher non-substantive ratings, who are allocated to this or any other service by the local Naval Authorities, could be telegraphed to the Admiralty, and the right of this Department recognized to re-allocate to other service any Royal Fleet Reservists who might be actually required for other duties.

I am, &c.,

CHARLES WALKER.

56371

No. 70.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 24th November, 1922.

WITH reference to Your Royal Highness's despatch No. 523 of the 23rd of September* respecting the position under the South Africa Defence Amendment Act, 1922, of officers and men belonging to His Majesty's Reserve Forces, I have the honour to request you to inform your Ministers that the Lords Commissioners of the Admiralty state that they assume from the last paragraph of your Ministers' minute of the 18th of September that the Government of the Union desire to utilize to the extent offered in Memorandum (C) enclosed in Admiralty letter to the High Commissioner of the 3rd of March,† the services of officers and men of the Naval Reserves raised in the United Kingdom who may be in South Africa at a time of mobilization, and are prepared to agree in the general principle, which has already been accepted by the Commonwealth of Australia and the Dominion of New Zealand, that reciprocal facilities shall be accorded to the Admiralty.

2. The Lords Commissioners would, however, be glad to receive a definite assurance on this point and particulars as to the extent to which officers and men connected with the South African Division of the Royal Naval Volunteer Reserve, who may happen to be in the United Kingdom at the time of mobilization, may be appropriated for service by the Admiralty. The Lords Commissioners also wish to know what are the "minor alterations which can be dealt with later in detail" referred to in the last paragraph of your Ministers' Minute.

3. I may add that a copy of your despatch under reference was communicated to the War Office and Air Ministry, and a further despatch will be addressed to you when I have been informed of the views of the Army Council.

I have, &c.,

DEVONSHIRE.

* No. 68.

† See enclosure in No. 67.

60789

No. 71.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8th December, 1922.)

(Confidential.)

SIR,

Governor-General's Office, Melbourne, 23rd October, 1922.

WITH reference to my despatch dated 2nd June, 1922, Confidential,* relative to the adoption of arrangements for regulating the extent to which naval personnel raised in Great Britain, who happen at a time of mobilization to be in one of the Dominions, should be utilized for the naval service of the Dominion, and vice versa, I have the honour, at the instance of my Prime Minister, to suggest that officers of the Royal Naval Volunteer Reserve, who are domiciled in Australia, should be given the option of volunteering for service either in the Royal Navy or the Royal Australian Navy; and, if the proposal be approved, I should be glad if you would be so good as to furnish me with a list of the names and addresses of officers of the Reserve who are at present domiciled in Australia.

My Prime Minister informs me that the cases of officers of Royal Naval Volunteer Reserve were not referred to in the Admiralty memorandum "C," a copy of which was forwarded to you under cover of the despatch under reference.

I have, &c.,

FORSTER.

Governor-General.

57214

No. 72.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Canada.

(Commonwealth of Australia. } Confidential.)

MY LORD,

Downing Street, 16th December, 1922.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a letter from the Admiralty† regarding a proposal to revise the present provision in the Regulations for the Government of the Royal Fleet Reserve, under which residence in the United Kingdom, the Channel Islands or the Isle of Man is a condition of membership of that Reserve.

I have, &c.,

DEVONSHIRE.

57214

No. 73.

COLONIAL OFFICE TO ADMIRALTY.

(Confidential.)

SIR,

Downing Street, 28th December, 1922.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 18th of November† on the subject of the revision of the existing provision in the Regulations for the Government of the Royal Fleet Reserve, under which residence in the United Kingdom, the Channel Islands or the Isle of Man is a condition of membership of the Reserve and men proceeding abroad for periods exceeding six months are discharged.

2. The Secretary of State would probably have wished to have had an opportunity of offering observations on the proposals in your letter, especially those contained in paragraphs 6 to 8. It was ascertained, however, that not only had a copy of the letter already been sent from the Admiralty to the High Commissioner for the Commonwealth of Australia, but that instructions had also been sent to the

* No. 67.

† No. 69.

Commodore, New Zealand, the Commander-in-Chief, Africa, and the Commander-in-Chief, North America and West Indies to approach with identical proposals the Governments of New Zealand, the Union of South Africa, and Newfoundland respectively; and further that copies of the letters sent to the Commodore and the Commanders-in-Chief had been transmitted to the High Commissioners for the Dominions concerned. In these circumstances the Secretary of State felt that he was left with no liberty of action in the matter and had no option but to forward copies of your letter to the Governors-General of Canada and the Commonwealth of Australia. Copies of the despatches* addressed to the Governors-General are enclosed.

3. The Secretary of State does not think that on a matter of this importance the Governments of New Zealand, the Union of South Africa, and Newfoundland should have been left to hear of the proposals of the Admiralty through the Naval Authorities. Apart, however, from any question of the importance of the subject, it may be observed that there were special reasons in the case of the Union of South Africa for communicating through the Secretary of State, as the general question of the control of Imperial Reservists in the Union on the outbreak of war is the subject of correspondence between the Governor-General and the Secretary of State (see Colonial Office letter of the 24th of November† and previous correspondence), while in the case of New Zealand, it is not understood why the Commodore, who is himself in the service of the Dominion Government, should have been selected as the channel of communication.

I am, &c.,
C. T. DAVIS.

UNION OF SOUTH AFRICA.
Naval Defence.

(See pages 149-151 of *Dominions No. 72*.)

4818

No. 74.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.53 p.m., 29th January, 1921.)

TELEGRAM.

28TH JANUARY. With reference to your despatch 28th October, Confidential,‡ South Africa Division of R.N.V.R. Ministers are anxious to avail themselves of kind offer of Lords Commissioners of the Admiralty to place at disposal of Government of Union of South Africa on certain terms and conditions a number of vessels which can be made available on occasion for minesweeping purposes, and to give Government of Union of South Africa a free gift of such vessels as are required purely for the training of crews in minesweeping. Careful inquiries have been set on foot with the object of ascertaining what number and class of suitable vessels can be purchased and made available for commercial purposes normally, but always held ready for minesweeping whenever required. Those investigations and inquiries are not yet completed, but so far as they have proceeded Ministers understand that suitable vessels for the purpose which are likely to be chosen, for example, whalers, are not to be found in the classes mentioned in despatch referred to. Ministers inquire whether Lords Commissioners of the Admiralty would be prepared to make available to Government of Union South Africa a few of any other class of vessels. As an idea of the class of vessels likely to be required, Ministers mention whalers and small vessels suitable for carrying (?) cargoes of about 750 tons dead weight.—ARTHUR FREDERICK.

* No. 72. † 56371: not printed. ‡ No. 305 in *Dominions No. 72*.

21760

No. 75.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd May, 1921.)

[Answered by No. 79.]

(Confidential.)

Sir, Governor-General's Office, Cape Town, 13th April, 1921.

WITH reference to my telegram of the 28th January,* and connected correspondence, I transmit herewith a copy of a Minute from my Ministers (with enclosure†) relative to a minesweeping scheme for South Africa.

2. As requested in Minute, I am communicating with the Naval Commander-in-Chief, Simonstown, on the subject.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 75.

Prime Minister's Office, Cape Town, 9th April, 1921.

MINUTE 318.

MINISTERS have the honour to request, with reference to their Minutes No. 52 of 20th January, 1921, and 234 of 19th March, 1921, that His Royal Highness the Governor-General will be pleased to transmit, for the consideration of the Lords Commissioners of the Admiralty, the annexed memorandum describing a mine-sweeping scheme for South Africa.

Ministers have considered the scheme, and are favourably disposed to its adoption with such modifications as may seem necessary after the proposals have been considered at the Admiralty and reported upon by the Naval Commander-in-Chief, South Africa Station.

Ministers suggest that His Royal Highness should transmit a copy of the memorandum to the latter, at the same time as the memorandum is sent forward to the Secretary of State for the Colonies, so that the Admiralty can receive Vice-Admiral Sir William Goodenough's comments by a mail reaching London a week or two later.

Ministers propose that the Ministers who are proceeding to London shortly should discuss the principle and details of the scheme with the Admiralty in London, and would be glad if, before they leave, the Minister of Defence could have the benefit of a discussion on the subject with the Naval Commander-in-Chief.

Ministers hope soon to be in a position to state whether the Union Government wishes to obtain by purchase any vessels for the Government purposes referred to in the memorandum, and are anxious to secure that two of the most suitable vessels for training purposes, which His Majesty's Government will place freely at their disposal, should be earmarked at once. Ministers will communicate with His Royal Highness further when they are in a position to decide what class of vessel is most suitable for this purpose, and on this point they would be glad to have Vice-Admiral Sir William Goodenough's opinion at the earliest date convenient to that officer.

F. S. MALAN.

25191

No. 76.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.8 p.m., 20th May, 1921.)

TELEGRAM.

(Paraphrase.)

19TH MAY. With reference to my despatch 30th April, Confidential,‡ mine-sweeping scheme for South Africa. Ministers state, referring to paragraphs 3 of the letter of 24th April to Admiralty from Naval Commander-in-Chief, Cape Station, that they have reason to suppose that there would be little difficulty in

* No. 74. † Not printed. ‡ No. 77.

obtaining most of nucleus of crews for two training vessels in South Africa. They state that it has never been suggested that training vessels and their crews should be maintained otherwise than at the expense of Union funds, and if the Naval Commander-in-Chief, Cape Station, was led to think this was not so, there must have been some misunderstanding.

They think that the suggestion made in paragraph 7 had better be discussed next month in London with Admiralty by Minister of Defence. They are not inclined to favour naval staff in Union Department of Defence, but prefer arrangement whereby any Naval Officers necessary to carry out Union Naval measures would be placed, as in case of Commander Instructor, South Africa Division, Royal Naval Volunteer Reserve, under the Admiral commanding South African Station, the latter being responsible to Union Government for controlling and supervising any naval forces or measures which, in consultation with Admiralty, the Union Government might decide to adopt or establish.—ARTHUR FREDERICK.

25666

No. 77.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24th May, 1921.)

(Confidential.)

SIR, Governor-General's Office, Cape Town, 30th April, 1921.

I HAVE the honour to transmit to you herewith, with reference to my despatch Confidential of the 13th April, 1921,* copy of a letter from the Naval Commander-in-Chief, Africa Station, Simonstown (with enclosure), on the subject of a mine-sweeping scheme for South Africa.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 77.

(Confidential.)
(No. 36.)

Commander-in-Chief's Office, Simonstown.

YOUR ROYAL HIGHNESS, 24th April, 1921.

WITH reference to your letter 14th April, 1921, enclosing Ministers' Minute No. 318 of 9th April, 1921, and a memorandum on minesweeping, I have the honour to inform you that, with regard to paragraph 2, I have transmitted a report to the Lords Commissioners of the Admiralty strongly recommending sympathetic consideration of the scheme. I enclose a copy for the information of Ministers.

2. As regards paragraph 4, I beg to inform Your Royal Highness that I am freely at the disposal of the Minister of Defence, and if he will communicate with me direct a meeting can be arranged at his convenience. I am leaving Simonstown on 17th May for the East Coast.

3. As regards paragraph 5 of page 2 of the Ministers' Minute, I would recommend that trawlers should be taken as the free gift, as these will be quite suitable for training purposes, and their upkeep will not be so expensive as if larger vessels were selected.

The vessels for Fishery Research should be capable of use as surveyors, and I have therefore recommended that if trawlers are unsuitable a larger class of vessel should be obtained, as it is essential that these vessels should be capable of use in either of the three capacities, Fishery Research, Surveying and Minesweeping. The Admiralty Departments will be able to give expert advice on this point.

Vessels for use as minesweepers and for cargo carrying are also required. This question presents technical difficulties which I am not in a position to answer. To

* No. 75.

use a vessel built for the specific purpose of minesweeping, such as a sloop, as a cargo carrier necessitates consideration of her hold capacity, derricks, structural strength for cargo, and economical steaming. Also the expense of conversion must be taken into account. I have referred this matter to the Admiralty for the advice of the technical experts.

I have, &c.,

W. E. GOODENOUGH,
Vice-Admiral,
Commander-in-Chief.His Royal Highness
The Governor-General,
Union of South Africa.

(No. 172/36.)

Commander-in-Chief's Office,

SIR,

Simonstown, 24th April, 1921.

WITH reference to the attached papers forwarded to me by H.R.H. the Governor-General of the Union of South Africa, copies of which will no doubt reach Their Lordships in due course through the Colonial Office, I have the honour to forward the following remarks.

2. The minesweeping scheme outlined at present lacks definiteness, and early development will obviously be handicapped by financial considerations, but it is a beginning in the right direction, and I therefore strongly recommend that it should be sympathetically considered. The financial aspect is not for me to comment upon except in so far as the commencement and development of the scheme are concerned, and I will therefore only recommend that, if it is possible, the Union Government's request for a rebate on their annual Naval contribution of £85,000 in order to start their own scheme of defence should be acceded to.

3. I would strongly recommend that the two vessels to be taken as a free gift should be trawlers. I am of opinion that in the early stages these trawlers should be kept at Simonstown, and, until such time as the Union can supply their own crews, they should be manned with a nucleus of naval ratings whose pay, etc., as well as the cost of upkeep of the vessels, should be paid out of Union Government funds.

It is most desirable that it should be impressed upon the Union Government that if they accept these vessels they will be responsible for all charges in connexion with them, as on several occasions, at informal conferences with Union Government officials, the idea existed that the Naval authorities at Simonstown could easily man and maintain such vessels, and that they would be available for instructional purposes when required.

4. The purchase of two vessels for Fisheries Research is recommended, and for economical running and serviceability I would suggest that large sea-going trawlers, such as the whale class, should be selected. These vessels should also be equipped, if possible, with means for surveying, as I understand the Union Government are in future contemplating the undertaking of their own surveying work. As this latter is a matter of much importance, if trawlers are not suitable for surveying, then I would recommend that a larger vessel should be obtained, and one that can be used for mine-sweeping.

5. The Union Government obtain guano from the Islands, the freightage of which is an expensive matter. They are therefore anxious to provide their own tonnage for this work, and if possible obtain two vessels which could be utilized as minesweepers, and could also carry cargo. It is requested that an expert opinion may be given if the Flower class sloops are suitable from a point of view of

(1) Holds to carry about 200 tons.

(2) Winches to work cargo.

(3) Trim when in cargo.

(4) General seaworthiness structurally for cargo carrying.

(5) Economical steaming.

6. The initial supply of the gear will presumably meet with no objections, and arrangements can be made for its storage at Simonstown if Their Lordships approve.

7. At the present stage I have no further remarks to offer, except to strongly recommend that the Union Government should be informed that it is essential to the smooth working and efficiency of this scheme that an officer of Captain's rank should

be obtained on loan from the Imperial Government and attached to the Defence Department. He would act as a Liaison Officer between the Commander-in-Chief and the Department. For this reason I am not wholly in agreement with paragraph (c) on page 4 of the memorandum. I consider that a Naval Adviser is essential to the Union Government, and it is not possible for the Commander-in-Chief to act always in this capacity owing to his frequent absences in other parts of the Station.

I have, &c.,

W. E. GOODENOUGH,

Vice-Admiral.

Commander-in-Chief.

The Secretary,
Admiralty.

29452

No. 78.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 13th June, 1921.)

[Answered by No. 80.]

(Confidential.)

SIR, Governor-General's Office, Cape Town, 25th May, 1921.
I HAVE the honour to transmit to you herewith, with reference to my despatch Confidential of the 30th April and telegrams of the 19th and 25th May,* copy of a Minute from Ministers, on the subject of Naval Defence.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 78.

(Confidential.)

Cape Town, 18th May, 1921.

MINUTE No. 495.

MINISTERS have the honour to state, with reference to His Royal Highness the Governor-General's Confidential Minute No. 2/1573 of the 29th April, 1921, that they are much gratified to learn from the terms of Vice-Admiral Sir William Goodenough's letter, No. 36 of 24th April, 1921, that he has recommended the mine-sweeping scheme submitted by Ministers to the sympathetic consideration of the Lords Commissioners of the Admiralty.

2. Ministers are now investigating the question of obtaining vessels from the Admiralty (in addition to the two minesweeping vessels) which could combine Hydrographic Survey and Fishery Research in normal times, and be used for mine-sweeping in time of war. Ministers, in their Minute No. 380 of the 22nd April, 1921, expressed their inability to take any steps under present conditions towards the institution of a Union surveying service, but Ministers had not then before them the Admiralty Secret Memorandum on Empire Naval Policy and Naval Co-operation. In the light of that Memorandum, and of the Vice-Admiral's remarks as to combining fishery research with hydrographic survey and minesweeping, Ministers are prepared to give the matter of the survey further consideration, especially if, in the opinion of the Lords Commissioners of the Admiralty, hydrographic survey work in South African waters should be ranked high up in the order of relative importance of the various naval measures in which His Majesty's Government seeks the co-operation and assistance of the Union Government.

3. Further inquiries are, therefore, being made, but in the meantime Ministers would be glad to know whether the Admiralty would be prepared to place a suitable vessel or vessels at the disposal of the Union for this purpose, and to lend the necessary technical staff, on the basis of the Union paying for the staff, the crews, and the maintenance of the ships.

* Nos. 77, 76, and 26306: not printed.

4. With regard to paragraph 3 of the Vice-Admiral's letter to the Admiralty, Ministers have reason to suppose that there would be little difficulty in obtaining in South Africa most of the nucleus crews for the two training vessels. They wish also to make clear that it has never been suggested that the training vessels and their crews should be maintained otherwise than at the expense of Union funds, and there must have been some misunderstanding if the Vice-Admiral was led to think that this was not so.

5. Ministers think that the suggestion contained in paragraph 7 of the Vice-Admiral's letter to the Admiralty had better be discussed further by the Minister of Defence with the Admiralty representatives in London next month, but they wish to state in the meantime that they are not inclined to favour any system which would set up in effect a Naval Staff in the Union Department of Defence, but would prefer rather an arrangement whereby any Naval Officers necessary to carry out Union naval measures were, as is at present the case with the Commander-Instructor of the South African Division of the Royal Naval Volunteer Reserve, placed under the Admiral Commanding Africa Station, the latter officer being responsible to the Union Government for supervising and controlling any naval forces or measures which the Union Government in consultation with the Admiralty might decide to establish or adopt.

J. C. SMUTS.

27645

No. 79.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 18th June, 1921.
I HAVE the honour to acknowledge the receipt of Your Royal Highness's Confidential despatch of the 13th April, 1921,* and to transmit to you, for the information of your Ministers, a copy of a letter from the Admiralty on the subject of the proposed scheme for minesweeping in South African waters.

2. A copy of this letter has been furnished to Sir R. Bourne.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 79.

SIR, Admiralty, S.W.1, 1st June, 1921.

I HAVE laid before My Lords Commissioners of the Admiralty your letter of the 11th May, relative to the provision of a Minesweeping organization in South Africa.

2. My Lords have read with interest the Memorandum enclosed in your letter describing a minesweeping scheme for South Africa, and have noted with pleasure that one of its objects is the development of the sea sense amongst South Africans. It is not desired at present to comment in detail on the scheme propounded by the Union Government for training in minesweeping, as this will no doubt be discussed at the forthcoming Imperial Cabinet. Meanwhile, Their Lordships are desirous of rendering such assistance and information as may be possible.

3. My Lords would be pleased to present two trawlers of the Mersey type as a free gift to the Government of South Africa for use as minesweeping training vessels. The cost for storing these vessels and for their passage to Africa, and any expenses for reconditioning would, however, have to be borne by the Union Government.

4. There are no surplus War vessels available which are suitable for conversion to cargo-carrying in peace time, at the same time remaining available for mine-sweeping if necessary. The cost of conversion, the limited cargo space which would be obtained, and the resultant loss of power, render the scheme impracticable so far as vessels at Their Lordships' disposal are concerned.

5. Trawlers which would probably be suitable for fishery survey, etc., or for other purposes required by the South African Government are available, but in the

* No. 75.

absence of detailed information as to the size and type required, it is difficult for Their Lordships to make definite suggestions. I am to suggest that full particulars of what is required should be brought by the South African Representative at the Imperial Cabinet, and the subject then fully explored.

6. The question of provision of minesweeping gear can also be gone into when detailed requirements are known.

I am, &c.,
P. E. MARRACK,
for Secretary.

The Under-Secretary of State,
Colonial Office.

35229

No. 80.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 23rd July, 1921.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's Confidential despatch of the 25th May, 1921,* on the subject of Naval Defence, and to request you to inform your Ministers that since its receipt the members of the Defence Department of the Union Government now in London have been in touch with the Admiralty, and have been supplied with information as to the requirements of the minesweeping and hydrographic services, and the conditions under which they could be effectively established and maintained.

I have, &c.,
WINSTON S. CHURCHILL.

42636

No. 81.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 296.)

SIR, Downing Street, 2nd September, 1921.

I HAVE the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a letter from the Admiralty approving the loan of Lieutenant-Commander A. E. Buckland, D.S.O., D.S.C., R.N., to the Union Government in connexion with the minesweeping organization.

2. A copy of this letter has been communicated also to Sir R. Bourne.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 81.

SIR, Admiralty, Whitehall, London, S.W.1, 23rd August, 1921.

I AM commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they have approved of the loan of Lieutenant-Commander Arthur E. Buckland, D.S.O., D.S.C., R.N., to the Union Government of South Africa in connexion with the minesweeping organization.

2. I am to add that this officer will be paid from Union funds as from the date of his embarkation for South Africa.

I am, &c.,
V. W. BADGELEY.

The Under-Secretary of State
Colonial Office.

* No. 78.

45538

No. 82.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 83.]

(No. 317.)

SIR, Downing Street, 26th September, 1921.
WITH reference to my despatch No. 296 of the 2nd September,* I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a letter from the Admiralty relative to the transfer of a surveying sloop and two minesweeping trawlers to your Government.

I have, &c.,
WINSTON S. CHURCHILL.

Enclosure in No. 82.

SIR, Admiralty, S.W.1, 9th September, 1921.

I AM commanded by My Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State for the Colonies, copy of a letter dated 18th August, 1921, which has been received from the Secretary for Defence, Union of South Africa, together with copy of an Admiralty Office Acquaint dated 8th September, respecting the transfer of a surveying sloop and two minesweeping trawlers to the Union Government, and setting out the terms of transfer formally approved.

2. Steps are being taken by Admiralty Fleet Order to call for volunteers for service in these vessels.

3. A copy of this correspondence has been sent to the Commander-in-Chief, Africa Station.

I am, &c.,
P. E. MARRACK.

The Under-Secretary of State,
Colonial Office.

Union of South Africa,
Trafalgar Square, London, 18th August, 1921.

Minesweeping and Surveying Organization for South Africa.

SIR, REFERRING to Admiralty letter of the 15th July, 1921, and previous Admiralty letters on the same subject to the Under-Secretary of State, Colonial Office, and further to my letter of 6th instant to you on the subject of placing at the disposal of the Union Government the services of a Lieutenant-Commander of the Royal Navy to take charge under the Naval Commander-in-Chief, Africa Station, of the minesweeping organization which the Union Government proposes to develop, I am instructed by the Minister of Defence for the Union to request that I may be given definite information and assurances on the points set forth in the attached memoranda with annexures marked:—

I. Dealing with Minesweeping.

II. With Survey, and

III. Taking vessels for these purposes out to South Africa,

which have been discussed by me in some detail with some of the officials at the Admiralty more immediately concerned.

I am leaving for South Africa on the 9th proximo and am most anxious to get definite arrangements made with the Admiralty and placed on record before I leave so that the High Commissioner's office here, with the assistance of Lieutenant-Commander Buckland, D.S.O., D.S.C., can proceed with the necessary arrangements in detail without having to correspond with my head office in South Africa on the subject of these arrangements.

I have, &c.,
H. R. N. BOURNE,
Secretary for Defence,
Union of South Africa.

The Secretary,
Admiralty.

* No. 81.

I.

UNION OF SOUTH AFRICA.

MINESWEEPING ORGANIZATION.

Vessels:—

(a) It is understood that two minesweeping instructional vessels complete in all particulars are to be given to the Union Government, and that they will be:

(i) Fully equipped and serviceable for the minesweeping instructional duties required of them in South Africa: armed and equipped with wireless, and minesweeping gear. ("A" sweep Mark II and bottom sweep).

N.B. "Oropesa" sweep will probably be purchased later (see (b) below). These vessels when handed over will have had completed all alterations as approved by the Admiralty for this class of vessel in the post-war fleet. All spare gear authorized for the equipment of these vessels, e.g., propellers, spare parts auxiliary machinery, spare minesweeping wire, etc., will be included.

(ii) Mersey trawlers to be withdrawn from the Irish Command and prepared for voyage to Cape Town. These to be replaced on Irish Command by two other trawlers now out of commission which the Admiralty will refit and place in commission at a cost which is estimated not to exceed £1,500 each. That expenditure the Union Government will defray, but in return it will expect to be handed over the two Mersey trawlers in a condition fit to start their voyage to South Africa, and Union Government will defray necessary expense in fitting the vessels with extra water tanks and awnings which will be necessary for that voyage.

Minesweeping Gear:

(b) Nineteen sets of "A" sweep are required, and it is understood that Treasury approval has been obtained to supply these free of cost.

N.B. Later on the Union Government will probably ask the Admiralty to supply on repayment such parts of the "Oropesa" sweep Mark II for 21 sets as are necessary to convert the "A" sweep Mark II into the "Oropesa" sweep Mark II.

Arrangements will be made through the High Commissioner to ship to Cape Town such of this minesweeping gear as cannot be taken to South Africa in the minesweeping instructional trawlers or the survey sloop.

Personnel:—

(c) It is desired to obtain from the Admiralty for the permanent crews of these vessels the following personnel:—

- One Lieutenant (not promoted from Mate),
- Two E.R.A. Petty Officers (third class),
- Two Deck Petty Officers (Seamen Gunners),
- Two Stoker Petty Officers, and
- Two Signalmen,

who, together with Lieutenant-Commander A. Buckland, D.S.O., D.S.C., will be paid by the Union Government at the rates shown in attached statement marked "A." (To follow.)

Period of engagement in the case of ratings to be for a period of three years from the date their vessels are commissioned in England; the three years to expire in South Africa, i.e., not to include time of return journey, but Union will give pay for time occupied on return journey; extension from one to two years if Union Government desire and the man is prepared to extend.

Conditions as to taking out wives and children to be same as already arranged for P.O. Instructors, South African Division, R.N.V.R., similarly with regard to leave, termination of engagement, etc. (Exact particulars will be supplied later.)

In the case of the Lieutenant, the period of engagement will be two years only reckoned as in the case of the Lieutenant-Commander.

Union Government will pay usual contribution in respect of pension and other non-effective charges.

N.B.—The two officers and eight other ratings will be supplemented by two Sub-Lieutenants and twenty-eight ratings whom it is proposed to bring over from South Africa to work the trawlers out from England to Cape Town. If, however, it is found impracticable to get all of these thirty from South Africa we shall, no doubt, ask the Admiralty to lend personnel to make up

the crews. Perhaps in that event the opportunity might be taken to include any odd ratings whom the Admiralty would in any case be sending out to Simonstown.

II.

HYDROGRAPHIC SURVEY, SLOOP FOR.

(a) It is understood that subject to Treasury approval, which has already been sought, the Admiralty will place freely at the disposal of the Union Government a fully-equipped survey sloop, either H.M.S. "Collinson" or H.M.S. "Crozier."

(b) As to getting the survey sloop overhauled for her journey to the Cape it is understood that this will have to be done at Union expense. It is hoped that it will be possible to do all that is necessary in this respect at a charge to Union funds not exceeding £2,000, seeing that it is understood that the gift of the sloop will include all equipment and permanent stores and spare parts.

(c) It is proposed to send this vessel out under charge of Lieutenant-Commander Buckland with a crew, the bulk of which will come from South Africa, but the following are likely to be required from the Admiralty on similar terms to the personnel for the minesweeping instructional vessels' crews, but until definite advice is received from South Africa in reply to a cablegram sent early this week exact particulars cannot be given:—

- One Deck Chief Petty Officer,
- One Deck Petty Officer,
- One Signalman,
- One Chief E.R.A.,
- Three E.R.A. Chief Petty Officers,
- One Chief Stoker Petty Officer,
- Six Stoker Petty Officers,
- Four Leading Stokers,
- One Able Seaman—Leading Torpedoman.

(d) As regards obtaining trained naval surveying officers, can it be stated whether it will be possible to make available one Lieutenant or Lieutenant-Commander on the Retired List or about to go on the Retired List, if, as is understood to be the case, a trained surveying officer on the Active List is not available, to take the sloop out to South Africa, who would be a second or third-class assistant surveyor and would come under a two years' engagement as in the case of Lieutenant-Commander Buckland. The sloop would at first be occupied chiefly in carrying on the fishery research and survey work now being done by H.M.S. "Pickle," but could also, it is hoped, do some of the easier hydrographic survey work as well, being commanded in the meantime by the present Commander of H.M.S. "Pickle." Later on it would be desirable to engage, say, for three years with the option of extending to five years and then by successive extensions of three years, a first-class naval surveyor who would command the ship and with the Lieutenant commence the survey in earnest, and at the same time train South African officers on the ship in surveying.

III.

UNION OF SOUTH AFRICA.

Fitting out of Vessels for Voyage to South Africa.

(a) It is proposed that the two minesweeping trawlers and the survey sloop shall sail about the end of October or early in November and proceed in company as far as Sierra Leone, calling at Madeira en route.

On leaving Sierra Leone, the former shall proceed direct to Walvisch Bay, the latter via Lagos and St. Paul de Loanda to Walvisch Bay.

The vessels shall then proceed in company to Simonstown.

(b) It is requested that:—

- (1) The two trawlers and the survey sloop may be fitted out for the voyage at the same Dockyard Port, to facilitate supervision of the work.
- (2) Two months' supply of all stores, other than permanent stores, as allowed by the Establishment of Stores for vessels of these classes, and coal and water may be supplied from Admiralty sources.
- (3) The Admiralty will victual these vessels for the voyage on the same scale as is used in the Royal Navy.

- (4) The officers and ratings, who will come to England to form part of the crew, may be accommodated and victualled at the Naval Barracks at the fitting out Port until the vessels are commissioned.
 - (5) In the event of the vessels being handed over to the Union Government before the crews arrive from South Africa, such care and maintenance parties as may be considered necessary may be placed on board.
 - (6) Arrangements may be made for all these vessels to coal and water and to obtain fresh provisions at Madeira and Sierra Leone and, for the sloop only, at Lagos and St. Paul de Loanda. Arrangements have been made through the Commander-in-Chief, Africa Station, to supply coal and water to these vessels at Walvisch Bay.
- (c) All expenses necessary to carry out the above will be defrayed by the Union Government.

(M.32208.)

Serial No. 238.

In connexion with M. Branch Acquaint M.53648 of 2nd August circulated to certain Departments only, and in connexion with M. Branch Acquaint M.32208 (Serial No. 236 of 2nd September) which is hereby cancelled, the following arrangements for the transfer of H.M.S. "Crozier," H.M.S. "Foyle," and H.M.S. "Eden" to the Government of South Africa, have been approved by the Treasury and communicated to the Secretary for Defence, South Africa.

2. H.M.S. "Crozier."—(a) The Union to pay the sum of £5,500 towards the cost of the vessel. Out of this sum, the Admiralty to carry out such alterations as are agreed upon between the Admiralty and the Union of South Africa, represented by the High Commissioner in London, to be indispensable to make the ship fully serviceable for the work she has to undertake in South African waters, including equipment of steam or motor boats. In addition the Admiralty to provide awnings for this vessel. The cost, excluding supply of awnings, was roughly estimated at £1,500.

(b) Permanent stores, other than special hydrographic stores (total value estimated at £2,621, plus minimum percentage charges) to be issued on loan to the Union Government and paid for next financial year.

(c) Special hydrographic stores to be issued on loan by the Admiralty and purchased gradually by the Union of South Africa as may be found convenient. The surveying outfit and hydrographical stores to be such as the Hydrographer considers to be necessary for the proper performance of the work of a surveying ship, taking into consideration that the personnel will at first be inexperienced, and the requirements will at first be limited.

(d) Refit to be paid for by the Union of South Africa. The estimated cost was £3,400 without percentage charges, but Lieutenant-Commander Buckland will go through the defect list with Admiralty representatives and decide what items, if any, can be postponed until after the vessel's arrival in South Africa.

3. H.M.S. "Foyle" and "Eden."—(a) The Union of South Africa will make the contribution of £1,500 in respect of each of these trawlers (£3,000 in all), at the same time that the £5,500 above mentioned is paid, and will not be required to bear any of the cost of replacing these trawlers in the Irish Flotilla if this should ultimately be found necessary. For this sum the Admiralty will fit the vessels out entirely for minesweeping instructional duties in South Africa, armed and equipped with wireless and minesweeping gear, "A" sweep Mark II, and bottom sweep.

(Note.—Treasury approval for this minesweeping gear has been obtained separately.)

The cost of supply of consumable stores and of special fittings for the voyage out (extra water tanks, awnings) will be borne by the Union Government.

(b) These vessels when handed over to have completed all alterations as approved by the Admiralty for this class of vessel. All spare gear authorized for the equipment of these vessels, e.g., propellers, spare parts, auxiliary machinery, spare mine-sweeping wire, etc., to be included.

4. *Percentage Charges.*—Percentage charges on all above work to be at such rates as to cover only actual outgoings.

P. E. MARRACK,
Head of M. Branch.

8th September, 1921.

30862

No. 83.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th June, 1922.)

[Answered by Nos. 85 and 87.]

(No. 278.)

SIR,

Government House, Cape Town, 9th June, 1922.

WITH reference to your despatch No. 317 of the 26th September, 1921,* I have the honour to transmit, for the consideration of the Lords Commissioners of the Admiralty, a copy of a Minute which I have received from my Ministers regarding the appointment of a Senior Lieutenant-Commander R.N. to the Survey Sloop "Crozier," and the work to be undertaken by that vessel.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 83.

MINUTE 413.

Prime Minister's Office, Cape Town, 5th June, 1922.

MINISTERS have the honour to request His Royal Highness the Governor-General to inquire whether the Lords Commissioners of the Admiralty can place at the disposal of the Union Government for a period of a clear two years in South Africa the services of a Senior Lieutenant-Commander, R.N., holding a 1st class naval surveyor's certificate.

2. Such an officer is required to take command of the survey sloop "Crozier," which is to be commissioned for hydrographic survey and fishery research work in South African waters during the course of the present year.

3. The Lords Commissioners will remember the arrangement which was arrived at with the Admiralty by negotiation with Union representatives in London during June to August of last year. The Union desires to undertake for and on behalf of the Admiralty the hydrographic survey of the South African coast line and waters, and to maintain a suitable vessel for that purpose wholly at the expense of Union funds. This vessel will also combine fisheries research with its work of hydrographic survey, a combination which Ministers are satisfied from reports received of the successful working of similar arrangements elsewhere is not only feasible but eminently practicable, and wholly desirable if, as is of course the case, due regard has to be paid to economy under the present conditions of grave financial stringency.

4. For the post of second in command of the Survey Sloop Ministers propose, and understand that their proposal meets with the concurrence of the Naval Commander-in-Chief, Africa Station, to appoint Lieutenant J. Dalgleish, R.N.R., who for the past two years has commanded with great success the prize ship "Pickle" while engaged on fishery research in South African waters. This officer holds a 3rd class naval surveyor's certificate, and Ministers understand is qualified by his service with the Royal Navy to receive a 2nd class certificate.

5. Ministers propose that of the four other executive officers of the Survey Sloop (viz., 2 Lieutenants and 2 Sub-Lieutenants) who will be selected in the Union, two should hold navigator's certificates obtained in the Royal Navy, and would be glad to know whether with this complement of expert officers the Lords Commissioners will have full confidence in the survey work undertaken, and use the results to compile Admiralty charts under the supervision of the Hydrographer for the Navy. Ministers wish to explain that it is not their intention at all to set up a separate survey service and produce charts independently of the Admiralty, but rather to carry on as circumstances and finances permit the work in South African waters which was formerly undertaken by the Admiralty Surveying vessels, and to forward all data to the Hydrographic Department at the Admiralty for inclusion in Admiralty publications.

* No. 82.

6. Ministers further wish to be informed whether, in the event of an officer being lent from the Royal Navy to command this South African survey ship, the Admiralty will grant on his recommendation in due course and as circumstances may require, surveyor's certificates of all classes to officers working under him.

7. Ministers append a statement* showing what pay and allowances are offered to an officer to command, and would be glad to know if a suitable officer can be selected and when he would be available. It is desirable that he should assume his duties in South Africa not later than 1st September, 1922.

J. C. SMUTS.

45589

No. 84.

ADMIRALTY to COLONIAL OFFICE.

(Received 13th September, 1922.)

SIR,

Admiralty, S.W.1, 12th September, 1922.

In reply to your letter of the 4th August,† I am commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they regret that no active service officers, with suitable surveying qualifications and the necessary experience to command a surveying ship and take charge of a survey, are available for appointment to the "Crozier," as His Majesty's Surveying Ships have barely sufficient staff for the surveys in hand and for future commitments. Hydrographic Surveying is confined to the R.N., the R.C.N., R.A.N., and the R.I.M., and the navies of certain nations, and there is no other profession which carries on hydrographic surveying in all its branches, although Cable Companies take deep sea soundings and civil engineers make plans of harbours.

2. It appears, therefore, that the best way of obtaining a properly qualified and experienced surveying officer to command the "Crozier," is to obtain an officer from the retired list of the Royal Navy, although it is unlikely that any such officer would volunteer unless he was offered at least as large emoluments as he had when commanding one of H.M. Surveying Ships.

3. At the present time, however, it is regretted that no such officer is available. The Commander-in-Chief, Africa Station, has been informed to this effect by telegraph on 8th instant, in reply to his recent telegraphic inquiry as to filling this post with a retired officer.

4. It requires to be borne in mind that the Hydrographer of the Navy could only make use of surveys for inclusion in the Admiralty Charts if the work, after examination at the Admiralty, proves to be accurate and of an accepted standard. If a surveyor is lacking in the experience necessary to conduct a survey, it results in work being rejected, or being only partly made use of, and consequent waste of time and money in the running expenses of the ship.

All this was fully explained to Sir Roland Bourne by the Hydrographer and the Second Sea Lord when he visited the Admiralty.

5. In conclusion I am to state that My Lords are bearing the subject carefully in mind, and as soon as an officer is likely to be available they will inform the Secretary of State, but it is not possible at present to say when this may occur, owing to the numerous changes now taking place affecting the personnel of the Fleet, and the small margin of Surveying Officers that it is possible to draw upon, a situation which is principally occasioned by the War period, when all surveying operations practically ceased, with the result that the former officers are now scattered beyond recall in civil life.

I am, &c.,

CHARLES WALKER.

* Not printed.

† 37038: not printed.

45589

No. 85.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 14th September, 1922.)

TELEGRAM.

14TH SEPTEMBER. Your telegram 24th August,* surveying officer. Admiralty have given very careful consideration your despatch of 9th June, No. 278,† and much regret they have barely sufficient staff for surveys now in hand and future commitments, and are therefore unable to lend suitable active service officer. Question of retired officer has been investigated also, but no such officer at present available. Admiralty will carefully bear in mind your Ministers' requirements in case suitable officer becomes available, but impossible forecast when this may occur. Despatch‡ follows.—SECRETARY OF STATE FOR THE COLONIES.

47943

No. 86.

THE HIGH COMMISSIONER FOR SOUTH AFRICA to THE MINISTER OF DEFENCE, PRETORIA.

(Sent 21st September, 1922.)

636. Your telegram 16th September, G. A. 260. Made strong written also oral representations to Colonial Office and Admiralty. Both anxious help, but emphasize position as disclosed by recent communications fully make known Bourne when London and position aggravated by recent retrenchment Admiralty. Men with the required qualifications very few, but Admiralty in desire aid Union prepared sacrifice part its own work. Terms annexure Minute 413§ insufficient for suitable men. Admiralty state officer volunteering would lose prospects promotion Royal Navy, but that following terms should provide inducement to volunteer.

- (1) Pay and allowances as for similar employment in Royal Navy, these are at present 53s. 8d. per diem for Lieutenant-Commander or 77s. 2d. for Commander; no Junior Commanders being available.
- (2) If married, lodging and fuel allowances at Union rates, with free passage both ways wife and family.
- (3) Three years' appointment with prospect permanency if suitable.
- (4) If Officer is on Active List, Union to pay £150 per annum to Admiralty as contribution on account of Royal Naval Pension rights.
- (5) Officer to have right to retire from Royal Navy at any time and to receive from Admiralty Royal Naval Pension in addition to pay as above from Union Government.

In view of urgency, I have requested Admiralty proceed on above basis on understanding secure Lieutenant-Commander if possible, failing that Commander, telegraph confirmation. Admiralty have suggested present is good opportunity secure couple junior officers suitable for Survey work to be selected by foregoing senior officer. Do you need them?

45589

No. 87.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 258.)

SIR,

Downing Street, 28th September, 1922.

With reference to Your Royal Highness's despatch No. 278 of the 9th of June,† forwarding a copy of Ministers' Minute No. 413 of the 5th idem, regarding the appointment of a Senior Lieutenant-Commander, R.N., to the command of the South African Surveying sloop "Crozier" and the work to be carried out by that

* 42328: not printed.

† No. 83.

‡ No. 87.

§ Enclosure in No. 83.

vessel, I have the honour to transmit to you, to be laid before your Ministers, a copy of the letter* from the Admiralty on which my telegram of the 14th September† was based.

2. Since that telegram was despatched further representations have been received from your Government through the High Commissioner in London. In view of these representations, the position has again been reviewed by the Lords Commissioners, with the result stated in the telegram‡ from the High Commissioner to the Minister of Defence, of which I enclose a copy for your information.

3. As regards paragraph 4 of Ministers' Minute of the 5th June relative to Lieutenant I. Dalglish, R.N.R., the Lords Commissioners of the Admiralty stated in a previous letter§ that they have no objection to this officer being advanced to 2nd class Assistant Surveyor as suggested by your Government, although they observe that he has not been engaged on surveying service since August, 1918.

4. As regards paragraphs 5 and 6 of Ministers' Minute, I would refer to paragraph 4 of the Admiralty letter of the 12th September.* In the previous letter mentioned above, their Lordships stated that they could not bind themselves necessarily to grant Surveyors' certificates solely on the recommendation of the Commanding Officer of the Surveying Ship, and that they regarded it as essential that the final decision should rest with the Admiralty.

I have, &c.,

WINSTON S. CHURCHILL.

60170

No. 88.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5th December, 1922.)

(No. 582).

MY LORD DUKE, Governor-General's Office, Pretoria, 9th November, 1922.

I HAVE the honour to transmit to Your Grace the accompanying copy of a Minute from my Ministers regarding the renaming of the Survey Sloop and Mine sweeping Trawlers of the South African Naval Service.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 88.

MINUTE 878.

Prime Minister's Office, Pretoria, 7th November, 1922.

MINISTERS have the honour to request His Royal Highness the Governor-General to inform the Lords Commissioners of the Admiralty that it has been decided to rename the Survey Sloop and Minesweeping Trawlers of the South African Naval Service as follows:—

"Crozier"	renamed H.M.S.A.S.	"Protea."
"Eden"	"	"Immortelle."
"Foyle"	"	"Sonneblom."

J. C. SMUTS.

* No. 84. † No. 85. ‡ No. 86. § 37038: not printed.

MILITARY.

CHANNEL OF COMMUNICATION OF ARMY CONFIDENTIAL DOCUMENTS.

54490

No. 89.

COLONIAL OFFICE TO WAR OFFICE.

[Answered by No. 90.]

SIR,

Downing Street, 22nd November, 1921.

I AM directed by Mr. Secretary Churchill to transmit to you, to be laid before the Army Council, a copy of a letter from the High Commissioner for the Commonwealth of Australia, regarding the channel for communicating "Confidential" documents from the War Office to the Commonwealth Defence Department.

2. Mr. Churchill proposes to reply that there is no objection to all confidential documents dealing with purely military matters being sent from the War Office to the Defence Department through the Military Adviser at the High Commissioner's Office.

3. I am to observe, however, that it is considered most desirable that no papers dealing in any way with policy, or affecting other Departments than the War Office, should be sent to the Commissioner through this channel, or, if they are so forwarded that copies should be sent to this Office for transmission to the Governor-General.

I am, &c.,

HENRY LAMBERT.

Enclosure in No. 89.

Commonwealth Offices, Australia House,

Strand, London, W.C.2, 26th October, 1921.

SIR,

I HAVE to acknowledge receipt of your letter dated 13th October, 1921, forwarding a list of documents marked "Confidential," which have been issued by the Army Council to the local Commonwealth Authorities during the quarter ended 30th September, 1921.

In the past it has been the custom to transmit "confidential" documents from the War Office to the Defence Department, both through the Colonial Office and through the department of the Military Adviser attached to the High Commissioner's Office. The latter channel is preferred as it is desirable that the Military Adviser should know the extent of the information supplied to Australia to prevent overlapping in the obtaining of technical information, etc., and to assist in the work of liaison. This applies especially in cases where only single copies are issued to Australia.

It is therefore proposed to approach the War Office with a view to arranging that all such documents should be forwarded in future to the Defence Department through the Military Adviser, but before doing so, I would be glad if you would let me know whether there is any objection on your part to the suggested alteration in the method of forwarding "War Office" documents.

I am, &c.,

GEO. J. HOBGEN,
per Official Secretary.

The Under Secretary of State,
Colonial Office,
Downing Street, S.W.1.

7468

No. 90.

WAR OFFICE to COLONIAL OFFICE.

(Received 16th February, 1922.)

SIR, War Office, London, S.W., 14th February, 1922.
I AM commanded by the Army Council to refer to your letter of 22nd November* last, and to state that the Council agree with your proposal that in future all secret and confidential printed documents dealing with purely military matters, which are issued by the War Office shall be sent to the Defence Department of the Australian Government through the Military Adviser at the High Commissioner's Office in London.

The Army Council note at the same time that it is not considered desirable that papers dealing with policy or affecting other Departments than the War Office should be sent through that channel, and they will arrange as requested that if, for any reason, such papers are so forwarded copies shall be sent to your Department for transmission to the Governor-General.

I am at the same time to refer to two later communications from your Department dated 14th January, 1922, and 23rd January, 1922,† the first numbered 1570/21-22, and the second unnumbered. The former letter refers to the distribution of copies of a technical book to the General Staff in Canada, Australia, New Zealand and South Africa. It is presumed that the second paragraph of that letter is not intended to cancel the previous letter of 22nd November so far as Australia is concerned, and I am to state that the Army Council propose, subject to the concurrence of your Department, that the same procedure shall be observed in the cases of Canada, New Zealand and South Africa as has now been agreed in the case of Australia, namely, that in all cases secret and confidential printed documents intended for the local General Staff, or other officials of the Defence Departments, shall be transmitted through the respective High Commissioner's Offices in London. This arrangement would then supersede that referred to in the second paragraph of the second (unnumbered) letter referred to above.

I am to request that should this proposal be acceptable, you will notify this Department as soon as possible of your concurrence.

I am, etc.,
B. B. CUBITT.

23836

No. 91.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1922.)

(Secret.)

SIR, Government House, Wellington, 10th April, 1922.
I HAVE the honour to inform you that I recently received copies No. 329 and 330 of the Secret Document marked "A. 2438: Report of the President of the Ordnance Committee for the Half Year ending December 31st, 1921." No despatch or other communication accompanied the documents, but as it is obvious from the title that they emanated from the War Office and that one of them is intended for the Defence Department, I am sending copy No. 330 to that Department, retaining copy No. 329 in my office.

2. May I be permitted to suggest, however, that when the War Office have occasion to forward Secret or Confidential documents for the information either of myself or my Ministers or both, it would be desirable to transmit them through the Colonial Office, to whom Annual Returns are sent by the Governor-General in respect of all Secret documents held by the Military Forces of the Dominion as well as those in his own custody.

I have, &c.,
JELLICOE,
Governor-General.

* No. 89. † 1570 and 1809: not printed.

41299

No. 92.

WAR OFFICE to COLONIAL OFFICE.

(Received 21st August, 1922.)

[Answered by No. 93.]

(Secret.)

SIR, War Office, London, S.W., August, 1922.
IN connexion with your letter of last May,* which is still under consideration and which will be answered in a separate letter, I am commanded by the Army Council to state that under existing arrangements copies of War Office cipher books and tables are issued to holders abroad in accordance with the following system:—

- (1) Whenever practicable the ciphers are handed over at the War Office to an officer who is proceeding direct to the appropriate destination.
- (2) Failing (1) Foreign Office bags are used on routes where they are available.
- (3) Failing (1) and (2) the ciphers are sent overseas by mail steamer—the books in sealed bags being handed to the captain of the ship by an officer from the War Office and met at the port of arrival by responsible officers.

The object of the above arrangements is to ensure that ciphers in transit should pass in security through as few hands as possible and that it should be possible to trace the course of each copy from the time of its despatch to the time of its receipt by the holder. In practice it has been found that the procedure is both convenient and secure.

The Council will be glad to hear that Mr. Secretary Churchill concurs in the continuance of these arrangements for the despatch of War Office ciphers to the Dominions and to the Colonies.

I am, &c.,
B. B. CUBITT.

41299

No. 93.

COLONIAL OFFICE to WAR OFFICE.

(Secret.)

SIR, Downing Street, 29th August, 1922.
I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter,† which was received in this Department on the 21st of August, and to request you to inform the Army Council that he concurs in the continuance of the present arrangements for the despatch of War Office ciphers to the Dominions and Colonies.

I am, &c.,
C. T. DAVIS.

46916

No. 94.

WAR OFFICE to COLONIAL OFFICE.

(Received 20th September, 1922.)

[Answered by No. 95.]

(Secret.)

SIR, War Office, London, S.W., 15th September, 1922.
REFERRING to your letters of 25th May and 15th August,‡ concerning arrangements for the transmission of Secret and Confidential documents (other than ciphers) to the Dominions, I am commanded by the Army Council to acquaint you with the general summary of their proposals given below. The procedure is intended to be applied to all Secret and Confidential documents, with the exception of ciphers, regarding which a separate communication was sent you on 21st August, 1922.†

* 7468: not printed. † No. 92. ‡ 7468 and 23836: not printed.

2. In the case of Canada and New Zealand the Army Council propose to continue the present practice, that is to send copies to your Department in the first place for transmission to those Dominions. The despatch of Royal Artillery Committee Report No. XVII. direct to the Minister of Militia and Defence, Canada, was due to a misunderstanding.

3. In the case of South Africa, I am to point out, with reference to the second paragraph of your letter of 25th May, that, owing to the changed circumstances in that Dominion since 1913, the practice initiated in War Office letter of the 3rd October, 1913,* does not appear to be applicable in detail. So far as concerns the actual number of copies of any document which it is desirable to issue to the Dominions, this may vary with the nature of the document; and I am to suggest that it would be inadvisable to lay down, as was done in the former letter, any definite and rigid distribution of all Secret and Confidential documents to be issued in future to South Africa. Arrangements will be made to ensure that an adequate number of copies is supplied for the requirements of the Dominion.

4. As regards procedure in transmission, there does not appear to be any reason why the same practice should not be observed in future as in the case of Canada and New Zealand, and I am to suggest for your concurrence, that copies of Secret and Confidential documents (other than ciphers) for South Africa should be forwarded through your Department as in the case of those two Dominions.

5. I am to inquire whether in the case of the three Dominions referred to above it will be necessary for a formal notification of issues to be sent quarterly or half-yearly to your Department for transmission to the respective High Commissioners.

6. With regard to Anstralia, although the Army Council would have desired to adopt a uniform system, in view, however, of semi-official correspondence, they do not propose to alter the arrangements already made between the two Departments (Colonial Office letter of 11th March last,† and War Office letter of 14th February, 1922‡), whereby Secret and Confidential documents (other than ciphers) intended for the Defence Department will be sent through the Military Adviser at the High Commissioner's Office in London. Any such documents, however, intended for the Governor-General of Australia will, as in the case of the other Dominions, be forwarded through your Department.

7. In the case of all Dominions, arrangements will be made so that a copy of all documents of the nature under discussion intended for Defence Departments is provided for transmission to the Governor-General concerned.

8. The Annual Return of Secret Documents issued to the Dominions should be furnished by the Governors-General to the Colonial Office for transmission to this Department. This will include all such Secret documents held by the Military Forces of the Dominions as well as those in their own custody. No return is required in the case of Confidential documents.

I am, &c.,
B. B. CUBITT.

46916

No. 95.

COLONIAL OFFICE to WAR OFFICE.

(Secret.)

SIR,

Downing Street, 10th October, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 15th September,§ regarding the arrangements for the transmission to the Dominions of Secret and Confidential documents (other than ciphers) issued by the War Office, and to request you to inform the Army Council that he concurs generally in the proposals there set out.

As at present advised, Mr. Churchill does not think it necessary that the Army Council should furnish the periodical notifications of issues indicated in the fifth paragraph of your letter.

I am, &c.,
C. T. DAVIS.

* 34370: not printed. † 7408: not printed. ‡ No. 90. § No. 94.

MILITARY DEFENCE, UNION OF SOUTH AFRICA, AND WAR
DEPARTMENT PROPERTY.

7552

No. 96.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th February, 1920.)

(Secret.)

My LORD,

Governor-General's Office, Pretoria, 21st January, 1920.

WITH reference to my despatch, Secret, of the 24th November, 1919,* I have the honour to transmit herewith a copy of a minute from my Ministers, regarding the property and interests of the War Department in land and buildings in South Africa.

I have, &c.,
BUXTON,
Governor-General.

Enclosure in No. 96.

(Confidential.)

MINUTE No. 37.

Prime Minister's Office, Pretoria, 12th January, 1920.

MINISTERS have the honour to request His Excellency the Governor-General to inform His Majesty's Government with further reference to paragraph 6 of Ministers' Secret minute No. 1664, of 22nd November, 1919, that Ministers are anxious to acquire, as soon as possible, the War Department's property and interests in land and buildings at Roberts Heights (Pretoria), and also at Potchefstroom and Pietermaritzburg, and would further be glad to acquire the reversionary rights of the War Department to the buildings lent for defence purposes at the Tempe military cantonments, Bloemfontein, together with full property in the whole of the farm adjacent to the Tempe cantonments which is War Department property, only portion of which is at present lent to the Union by the War Department for defence purposes.

Ministers are of opinion that it will be no less in the interests of the War Department than of the Union Government to conclude at an early date some definite arrangements in regard to these properties.

It is most necessary for the Union Government to know, as soon as possible, how it stands with regard to these properties in order that Ministers may be in a position to decide upon a number of important points affecting defence arrangements and other matters closely connected with the disposal of these properties.

J. C. SMUTS.

17191

No. 97.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.40 a.m., 3rd April, 1920.)

TELEGRAM.

[Answered by Nos. 98 and 99.]

1ST APRIL. Your telegram 11th February.† Ministers ask that decision of Imperial Government regarding disposal of military cantonments within Union may be conveyed to them at an early date.—Buxton.

* No. 74 in Dominions No. 72. † No. 75 in Dominions No. 72.

21717

No. 98.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.40 p.m., 6th May, 1920.)

TELEGRAM.

[Answered by Nos. 100 and 101.]

6TH MAY. Your telegram 1st April,* disposal military cantonments. Army Council have instructed General Officer Commanding, South Africa, that sale by auction of all War Department freehold property in South Africa other than in Cape Peninsula should be resorted to, except where special reasons to the contrary. Imperial Controller will supervise financial arrangements connected with sales and should approve sale or reserve prices. In case of any such property which Union Government desire to purchase, Imperial Controller will act as agent for Imperial Government and valuation of reserve prices will be communicated to him direct by General Officer Commanding. Army Council are considering further question of disposal of property not covered by above instructions, and every effort will be made to reach decision at an early date.—MILNER.

21717

No. 99.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 202.)

MY LORD,

Downing Street, 11th May, 1920.

WITH reference to my telegram of the 6th May,† I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a letter from the War Office to the General Officer Commanding, South Africa, regarding the sale of War Department freehold property in South Africa outside the Cape Peninsula.

I have, &c.,

MILNER.

Enclosure in No. 99.

(Cape 8/1044 (D.L.1.a.).)

War Office, Whitehall, April, 1920.

Sale of War Department Freehold Property in South Africa other than in the Cape Peninsula.

SIR,

WITH reference to paragraph 8 of War Office letter of the 17th November last, in which it was stated that a further communication would be made to you regarding the disposal of War Department freehold lands and permanent buildings (and the disposal of lands and buildings which have not been purchased or erected at the cost of the Imperial Treasury), I am commanded by the Army Council to issue the following instructions on the subject heading of this letter:—

(1) Army Council Instruction No. 304, of 8th May, 1919, is applicable to all these transactions, subject to the decision to use existing Army administrative machinery to carry out disposals in South Africa on behalf of the Ministry of Munitions.

(2) Sale by auction should be resorted to in all cases except where there are special reasons against this course.

(3) Valuations should be obtained from a firm of valuers of good standing to be approved by you, and, if necessary, two valuers should be consulted, and a reserve price fixed.

(4) The Imperial Controller will supervise all financial arrangements in connexion with these sales, and should approve of the sale or reserve prices.

* No. 97

† No. 98.

(5) In the event of the Union Government desiring to purchase any property the Imperial Controller will act as the Agent of the Imperial Government, and the valuation of reserve prices should be communicated by you to him direct.

(6) A reference should be made to this Office in cases where any doubt exists as to the expediency of putting a property on the market for sale at the present time, or where, for any other reason, the position is not clear.

(7) A comprehensive report and illustrative plans should be submitted to this Office in due course giving the valuation or valuations in respect of each property, the prices realized, and the reserve price in the case of an auction.

I am to add that a separate communication will be addressed to you with regard to the relinquishment of lands and buildings which have not been purchased or erected at the cost of the Imperial Treasury.

I am, &c.,

B. B. CURTIS.

The General Officer Commanding,
South Africa,
Military Command.

25650

No. 100.

THE GOVERNOR GENERAL to THE SECRETARY OF STATE.

(Received 9.25 p.m., 22nd May, 1920.)

TELEGRAM.

21ST MAY. Your telegram 6th May,* disposal military cantonments. Government of Union of South Africa desire to have opportunity of making offer to purchase all War Department lands and interests in the Union (except property in Cape Peninsula actually in use for military purposes) before any steps taken to dispose of such property by sale at public auction. They presume His Majesty's Government will be prepared to consider favourably any such proposal and to have regard to conditions under which War Department originally acquired such land and properties. They point out that Colonial Military Lands scheme is concerned and also make various suggestions which I am communicating by mail.† Understand General Officer Commanding South African Military Command sees no objection to proposals now made by Government of Union of South Africa.—BUXTON.

28219

No. 101.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th June, 1920.)

[Answered by No. 102.]

(No. 300.)

MY LORD,

Governor-General's Office, Cape Town, 21st May, 1920.

IN continuation of my telegram of to-day's date,‡ I have the honour to transmit to Your Lordship the accompanying copy of a minute from my Ministers on the subject of the disposal of military lands and property in the Union of South Africa.

2. I have communicated a copy of this minute to the General Officer Commanding, South African Military Command, and, as stated in my telegram under reference, I understand that he sees no objection to the proposals now made by the Union Government.

I have, &c.,

BUXTON.

Governor-General.

* No. 98.

† No. 101.

‡ No. 100.

Enclosure in No. 101.

MINUTE 501.

Prime Minister's Office, 19th May, 1920.

MINISTERS have the honour to request His Excellency the Governor-General to inform the Army Council with reference to His Excellency's secret minute No. 1/1191 of 10th May, 1920, covering the Secretary of State's telegram of 6th idem that the Union Government would like to have the opportunity of making an offer to purchase all the freehold and other property, including buildings and interests in land of the War Department in the Union outside the Cape Peninsula before any steps are taken by the General Officer Commanding, South African Military Command, to dispose of any such property by sale at public auction.

Ministers conceive that His Majesty's Government will be quite prepared to consider favourably any such proposal, and in so doing to have regard to the conditions and circumstances under which the War Department originally acquired land and properties, in some cases from or with the assistance of the various Colonial Governments now incorporated in the Government of the Union. In many important instances it will be found that the Union Government or local authorities have definite reversionary interests.

Ministers desire to invite the attention of His Majesty's Government to the correspondence which has taken place in previous years on the subject of the Colonial Military Lands scheme in its application to South Africa, as inaugurated in the despatches of Lords Ripon and Knutsford. This was taken up particularly after the establishment of the Union, and certain negotiations were conducted and proposals shaped between the Major-General in charge of Administration, South African Military Command, and the Secretary for Defence, but owing to the outbreak of war in 1914 these have not been pursued.

Ministers do not desire at present to go into any detail in the matter, but it is one of considerable complexity. It is at all events of a nature which calls for careful investigation and negotiation and hardly lends itself to such simple treatment as is indicated in the Secretary of State's telegram of the 6th May, 1920.

Ministers suggest that the first step which should be taken is for the General Officer Commanding, South African Military Command, to supply to the Secretary for Lands complete schedules of all War Department property in the Union (including for the purpose of reviewing the position as a whole, property in the Cape Peninsula), setting forth exactly the conditions of tenure and how these were originally secured. Upon receipt of this information the Union Department of Lands will be instructed to take all necessary steps to have valuations made by competent appraisers of the value of the landed property and buildings thereon, to verify the conditions of tenure and to prepare memoranda on the different points which will arise if the War Department's interests are to be acquired by the Union Government or disposed of by sale to other parties. Until this is done Ministers do not wish to express any opinion as to how negotiations for the acquisition of these properties can most advantageously be conducted, but they think it desirable that before the General Officer Commanding, South African Military Command, takes any steps to commence an independent valuation of War Department properties, he and the Imperial Controller and the representatives of the Union Government should confer and arrange the basis on which the valuation of the several properties should be arranged and also endeavour to arrive at some method for making a joint valuation acceptable to both parties. In the meantime Ministers assume that the Army Council will wish the Union Government to continue to act as the agents of His Majesty's Government in the caretaking of the cantonments at Roberts Heights, Potchefstroom, and Pietermaritzburg, under the arrangements made by the General Officer Commanding, South African Military Command, in September, 1914.

J. C. SMUTS.

53401

No. 102.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 479.)

Downing Street, 30th November, 1920.

SIR,

WITH reference to Lord Buxton's despatch No. 300 of the 21st May,* I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a letter addressed by the Army Council to the General Officer Commanding the troops in South Africa on the subject of the disposal of military lands and property in the Union of South Africa.

I have, &c.,
MILNER.

Enclosure in No. 102.

Cape 8/1046. (D.L.I.a.)

South Africa—Disposal of Military Lands and Buildings.

29th October, 1920.

SIR,

WITH reference to your letter of the 24th June last, I am directed to approve your suggestion that a Conference be held locally between the Imperial Controller, a representative of the Union Government, and you or your representative, to consider further the question of the disposal of the military property (lands and buildings) in South Africa, whether purchased by the War Department, erected at War Department expense, or provided by the local Government free of cost.

2. The general outlines of the War Department position in the matter have been indicated in previous correspondence prior to the outbreak of hostilities in 1914, and these should still be the guiding principles. These may again be broadly summarized as follows:—

(a) All lands and buildings not acquired or erected at Imperial cost to be transferred to the Union Government unconditionally.

(b) Lands and buildings acquired or erected at Imperial cost to be transferred to the Union Government free of charge if required for military purposes, or

(c) To be sold for the benefit of Imperial funds if not so required.

(d) Above is not to be held to apply to buildings erected during the recent War.

3. The outcome of the proposed Conference should be reported in due course, with any recommendations you may have to make.

I am, &c.,
EDWARD H. COLES,
Comptroller of Lands.The General Officer Commanding,
South African Military Command,
The Castle, Cape Town.

63436/S

No. 103.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th December, 1920.)

[Answered by Nos. 104, 110, 111, and 112.]

(Secret.)

MY LORD,

Governor-General's Office, Pretoria, 8th December, 1920.

I HAVE the honour to transmit to Your Lordship, with reference to Lord Buxton's despatch No. 300, of the 21st May, 1920,* the accompanying copy of a minute from my Ministers on the subject of the disposal of War Department property in South Africa, and the policy proposed to be adopted in regard to the Military Defence of British South Africa.

* No. 101.

2. A copy of Ministers' Secret minute No. 1664, of the 22nd November, 1919, referred to in paragraph 4 of the enclosure to this despatch, was transmitted to Your Lordship in Secret despatch of the 24th November, 1919.*

3. I propose, as High Commissioner, to address a separate despatch† to Your Lordship when I have further considered the policy foreshadowed in Ministers' minute, in so far as the High Commission Territories are affected.

I have, &c.,

ARTHUR FREDERICK.

Governor-General.

Enclosure in No. 103.

(Secret.)

MINUTE No. 1233.

Prime Minister's Office, 26th November, 1920.

MINISTERS have the honour to invite the attention of His Royal Highness the Governor-General to their Secret minute No. 501, of the 19th May, 1920,‡ and to previous correspondence which led up to it, and to submit for the consideration of His Royal Highness, and transmission to His Majesty's Government, their observations on the important and far-reaching issues which are involved.

2. Ministers desire to observe, in the first place, that no reply has been received by them to their Secret minute under reference. Ministers do not, of course, believe that their observations in that minute have been intentionally ignored, but they assume that the acceptance of their suggestion for a Conference contained in that minute was taken for granted, and that no further action was thought necessary until that Conference had been held.

3. In effect, however, what has transpired is that the General Officer Commanding, South African Military Command, has been good enough to furnish the particulars of War Department property (excluding that in the Cape Peninsula), and has sent the Chief Engineer of the Command to inspect those properties and confer with the Secretary for Lands and the Secretary for Public Works. The conversations which that officer (Lieut.-Colonel Heath, R.E.) has quite recently had with those officials and with the Minister of Defence and Lands—His Royal Highness will be aware that the two portfolios are at present held by Colonel Hendrik Mentz—have made it quite clear, however, that the General Officer Commanding, South African Military Command, has received no authority to discuss with the Union Government any method whereby the latter can acquire War Departmental properties except on the basis of a detailed valuation at rates which, from the Secretary of State's cablegram of 6th May, 1920, must be assessed on the probable amount which would be realized were the properties disposed of by public auction.

4. That basis, as Ministers endeavoured to indicate in their minute of 19th May, 1920, is, in their opinion, altogether unsuitable and impracticable. Ministers wish now to add that this would be so were it accepted that the transaction should be of a purely commercial nature without regard to the highly important and indeed essential fact that it is one between two Governments involving important issues of State policy. In proceeding to indicate what these issues appear to be, Ministers desire to express their regret that they did not touch on them in connexion with paragraphs 5 and 6 of their Secret minute No. 1664, of 22nd November, 1919.

5. Ministers desire to recall the circumstances in which upon the establishment of the Union of South Africa as a self-governing Dominion in 1910, Imperial garrisons remained stationed within the Union:—

(a) So far as the Cape Peninsula was concerned the Union Government then accepted the position set forth in paragraph 9 of the Colonial (now Overseas) Defence Committee's Secret memorandum No. 441, dated 3rd May, 1911, that Simon's Bay, being a naval base of the greatest strategical importance to the British Dominions as a whole, the responsibility for providing a permanent nucleus garrison for the Cape Peninsula would remain with the Imperial Government, the Union undertaking to supplement in time of war this garrison by a force of artillery, engineers, infantry and auxiliary units which together would be in numbers approximately three times as large as the permanent nucleus Imperial garrison. This supplementary force would be, and was in peace times, trained under the

direction of the General Officer Commanding the Imperial garrison of the Cape Peninsula. In addition the Union Government undertook to provide funds for making any improvements which it might be agreed were necessary to the fixed defences of Table Bay.

(b) For the rest of the Union, the South African Government assumed complete responsibility for the protection of its borders and seaports. Several of the stations of the Imperial garrison which had been established after the Anglo-Boer War in cantonments (of wood and iron buildings mostly), namely, at Middelburg (Cape), Harrismith (O.F.S.), Middelburg (Transvaal), Pietersburg (Transvaal), had been closed down before 1910, but there remained in 1910 garrisons at Bloemfontein, Potchefstroom, Pretoria, and Pietermaritzburg. In 1912 the Bloemfontein garrison was withdrawn, and His Majesty's Government placed so much of the cantonments as were required by the Union Government (which was then about to begin organizing its own military forces) freely at the disposal of the Union for military purposes and at a percentage value (twelve and a-half per cent.) of original cost of construction if required for other Government purposes.

(c) While the Imperial troops at Pretoria, Potchefstroom, and Pietermaritzburg were not to be concerned with the defence of the Union itself, they had certain and very definite responsibilities in regard to other British Possessions and Protectorates in South Africa, namely, the Protectorates of Basutoland, Bechuanaland, Swaziland, and the Rhodesias, all of which are administered directly by His Majesty's Government through the High Commissioner of South Africa. Shortly after the passing of the South Africa Defence Act in July, 1912, discussions were opened between the Headquarters Staffs of the Army and the Union Defence Department, at Pretoria, with a view to arranging for concerted action between Imperial and Union troops should occasion arise to employ military forces in connexion with those Territories. The industrial disturbances of 1913-1914 did not permit of definite arrangements for such action being made, and on the outbreak of war in August, 1914, the negotiations were, of course, abandoned.

6. On the outbreak of war all the Imperial troops, with the exception of two companies of Royal Garrison Artillery and a company of Royal Engineers in the Cape Peninsula were withdrawn, the Union Government undertaking, at the request of His Majesty's Government, complete military responsibility for the defence of British South Africa and for dealing with German South-West Africa. How the Union was able to fulfil that undertaking in spite of the greatest political difficulties, and of the fact that the practical development and organization of its military resources had hardly commenced, His Majesty's Government is well aware.

7. In the Secretary of State's Secret despatch of 10th October, 1919, His Majesty's Government announced that it was not proposed to send back any Imperial troops to inland stations in the Union, invited the acquiescence of the Union Government to that proposal, and intimated that the question of permanent arrangements for defending the Cape Peninsula would be a matter for future discussion between the two Governments. In their Secret minute No. 1664, of 22nd November, 1919, Ministers gave their acquiescence, but in doing so did not think it was necessary or opportune then to discuss future arrangements should military action be necessary in respect of the British Territories under the High Commissioner. Ministers, of course, understood that their acquiescence implied the Union taking upon itself and relieving the Imperial Government of certain and quite definite military obligations, plans for the fulfilment of which would have to be carefully thought out and matured with His Majesty's Government at a later date.

8. That is the position to-day as Ministers understand it, and for these reasons they have come to the conclusion that the matter of the Union taking over War Department properties in the Union and the terms and conditions upon which this might be effected is one which can better be dealt with after the main lines of policy and relations between the two Governments have been settled. It would appear that the conference between Union representatives and the local representatives of the War Department suggested in their minute No. 501, of the 19th May, 1920, could not discuss the matter from the standpoint which Ministers desire, and they desire accordingly to withdraw that suggestion and substitute for it the proposal that these matters should be discussed in London by Union Ministers when they are attending the Imperial Conference in June, 1921.

9. Ministers suggest that at the same time there can be discussed the question of the defences of the Cape Peninsula. On a particular solution of that problem which Ministers are inclined, as at present advised, to favour, it may be possible

* No. 74 in Dominions No. 72.

† No. 105.

‡ Enclosure in No. 101.

to deal with and settle finally the whole question of all War Department land and property in the Union, including the Cape Peninsula. For that purpose Ministers propose that their representatives will bring to London, in June next, the staff and material which will enable the whole "Colonial Military Lands" question to be dealt with in some detail, so that important points in their application to general principles then agreed upon can be settled on the spot.

10. Ministers desire to state, in conclusion, that their plans for the future organization of the Union Defence Forces will necessitate the use of the whole of the cantonments at Roberts Heights and the addition thereto of additional accommodation on a considerable scale, particularly married quarters. The Tempe cantonments are likely to remain a military centre, particularly for flying, as well as a training centre for the Citizen Forces. The Maritzburg cantonments will probably be used also for the same purposes. Potchefstroom cantonments may possibly also be used similarly, though both there and at Maritzburg it is not likely that all the available accommodation will be utilized. But other outlying stations for the Union Air Force will probably be required, and also other training centres for the Citizen Forces. It is thus very probable that a considerable portion, if not the whole, of the buildings either "in situ" or the material in them, of these three cantonments will be used for Union military purposes, and it is practically certain that the balance not so required can be used to advantage for other Government purposes.

11. In these circumstances Ministers trust that His Majesty's Government will not take any steps to dispose of any portion of these three cantonments to private or other parties. As regards other War Department land and buildings in which the Union Government or some local authorities has not a reversionary interest, Ministers would offer no objection to the sale of any of such properties at public auction should the War Department think they are likely to command more favourable prices if offered immediately, and the Union Government has been given an opportunity and declined to purchase. Ministers, however, think it would be preferable in principle to await the conclusion of the negotiations in London which are now suggested before dealing with any such properties.

J. C. SMUTS.

7595/S

No. 104.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.15 p.m., 17th February, 1921.)

TELEGRAM.

(Paraphrase.)

WITH reference to your Secret despatch of 8th December,* when Union Ministers are in London next June His Majesty's Government will be glad to discuss questions referred to with them. Further communication will be sent as to any action to be taken regarding War Department property in the meantime.—
CHURCHILL.

9806/S

No. 105.

THE HIGH COMMISSIONER TO THE SECRETARY OF STATE.

(Received 1st March, 1921.)

[Answered by Nos. 107 and 108.]

(Secret.)

MY LORD,

High Commissioner's Office, 31st January, 1921.

I HAVE the honour to advert to the Secret despatch which, as Governor-General, I addressed to Your Lordship on the 8th December last,* and to the Secret Minute (No. 1233 of the 26th November) from Union Ministers enclosed therewith, on the subject of the Military Defence of British South Africa.

2. As High Commissioner I have had under consideration those aspects of the question which specially affect the Territories of Basutoland, the Bechuanaland Protectorate, Swaziland, and Southern and Northern Rhodesia, and I find myself

* No. 103.

generally in agreement with the contents of the accompanying Memorandum, which was written for me at my request by the Imperial Secretary.

3. The suggestion, made at the end of the Memorandum, as to the expediency of arranging for the Commandant General of the Rhodesian Forces to be available for consultation in London in June next, impresses me as worthy of the consideration of His Majesty's Government.

4. I understand from Mr. Stanley that the views held by Major-General Sir Alfred Edwards (with whom he has recently had an opportunity for personal discussion) are generally similar to those expressed in the Memorandum, so far as Rhodesia is concerned.

5. As a copy of Union Ministers' Secret Minute of the 26th November last was communicated to the General Officer Commanding, South African Military Command, I thought it desirable to have the Imperial Secretary's Memorandum shown to him privately. General Carter then asked whether a copy could be sent to him officially, but before complying with this request I should be glad to learn by telegraph whether Your Lordship would see any objection.

I have, &c.,

ARTHUR FREDERICK.

High Commissioner.

Enclosure in No. 105.

MEMORANDUM.

(Secret.)

High Commissioner's Office, Cape Town, 13th January, 1921.

THIS Memorandum is not intended to discuss the wider questions of Imperial strategy raised directly or by implication in Union Ministers' Secret Minute of the 26th November, 1920. The High Commissioner's Office is neither qualified nor entitled to submit observations upon such matters as the military requirements for the adequate defence of the Naval Station in Simons Bay, or some of the political considerations which His Majesty's Government might have to take into account in determining its attitude with regard to the maintenance, constitution, or withdrawal of the South African Military Command.

The direct concern of this Office is restricted to those aspects of the problem which affect the defence of the Territories administered under the South African High Commission.

These Territories, for immediate purposes, may conveniently be grouped under two distinct categories—viz. (1) Basutoland, the Bechuanaland Protectorate and Swaziland, and (2) Southern and Northern Rhodesia.

The three first-mentioned native territories are distinguished from the two Rhodesias not merely by their closer geographical proximity to, and their greater economic and social dependence upon, the Union, but also by important differences in the conditions governing the actual and potential arrangements for their defence.

In the two Rhodesias the preservation of internal peace and order is a duty devolving in the first instance not upon the Crown, but upon the British South Africa Company in terms of Article 10 of the Charter. The two Territories have a Defence Department and a Commandant General of their own. Southern Rhodesia has a relatively large unofficial white population, a European Police Force, and an administrative system analogous to what is known as Representative Government. Northern Rhodesia, though less highly developed, would presumably, under present conditions, look to Southern Rhodesia for assistance in dealing with any internal disorder for which its own resources might not suffice.

In our three native territories the Crown is solely responsible for internal as well as external defence, unless and until the responsibility is wholly or in part delegated to some other authority, and the Territories are not financially or otherwise in a position to make such provision for their defence as would enable them to dispense with help from outside in the event of really serious trouble arising on a large scale.

The disappearance of German dominion from the African continent has removed, in respect of the two Rhodesias as well as of the three native territories, any appreciable risk of attack by a European Power, and to that extent has simplified the consideration of external defence, unless indeed the Union of South Africa should have to be regarded as a potential source of danger.

So far as the three native territories are concerned, it is clear that as against the Union of South Africa no adequate means of resistance could be devised, unless civil war happened to be proceeding in the Union and one of the factions were willing and able to help, or unless a sufficient force of Imperial troops could be brought promptly into effective action. It would seem useless, therefore, in present circumstances, to consider, in respect of the three native territories, any plan for their defence against aggression by the Union.

If this may be assumed, it would follow that the defence problem in the three Territories would resolve itself into the consideration of means for coping with native trouble.

Native trouble might be of either of two kinds: (a) internecine tribal or factional disputes among the natives themselves, or (b) a movement of natives against Europeans either by some form of passive resistance or by active hostilities. It is conceivable, of course, that disturbances originating in internecine feuds might, if unchecked by the Government, develop into an anti-European rising.

Speaking generally, it should be the duty, and not beyond the power, of each of the three Territories to put down with its own resources any ordinary internecine fighting. It is doubtful, however, whether those resources, unless they were supplemented by help from outside, would be adequate for the suppression of any widespread active or passive resistance to European authority. Except in the Bechuanaland Protectorate (where, owing to the relatively unwarlike character of most of the Bechuana tribes, there would be least risk of serious trouble) the Police Forces of the Territories are in their rank and file predominantly manned by local natives, whose loyalty and discipline, however admirable, would be put to a severe test if the bulk of their kith and kin were engaged in mortal conflict with the white man.

It is very unlikely, so long as the three Territories remain under the direct administration of the Crown, that the natives there would rise in large numbers against their local Governments. The risk of transfer to the Union is, however, a disturbing factor, and the native aversion from such a change of masters might be expected to grow in intensity proportionately with any increase in Dutch, and more especially Dutch Nationalist, influence in the Union Government and Parliament. If in such circumstances the natives felt that an appeal to the Crown must prove fruitless, owing to the absence of any effective means of Imperial intervention, they might be tempted to rise before "the Dutch" had entered their country rather than to remain quiescent while "Dutch" rule was being established. The argument that, if they gave trouble while still under the Crown, Union troops would be called in to suppress disorder might be countered by the rejoinder that, whether they gave trouble or not, the Crown would no longer be in a position to prevent the Union from stepping in whenever it saw fit, or to protect their rights and liberties after transfer to the Union had been effected in terms of the South Africa Act or otherwise. The risk of such an "armed protest" by the natives may be small, but it cannot be left wholly out of account.

Nor would it be prudent to overlook entirely the possible reaction of native unrest within the Union upon the natives in our Territories. It can hardly be open to doubt that the Nationalist propaganda is bound to have an unsettling effect on the native mind. Not only are the illiberal utterances of certain Nationalist speakers upon native policy carefully noted by natives in the Union and in our Territories, but the whole republican ideal is alien to South African native sentiment, and of all forms of a Republic a predominantly "Dutch" Republic would be the most distasteful to the South African native. At present, native solidarity in South Africa, irrespective of tribal, cultural and linguistic distinctions, is far from an accomplished fact, but signs are not wanting of an incipient tendency in that direction among some of the more thoughtful of the educated natives, and the large industrial centres might readily become foci for the dissemination of new ideas to the kraals. On the one hand, echoes of the War and of current Union politics have put into circulation catch-phrases such as that of "self-determination," and, on the other hand, strikes among the European workers have afforded to the natives an object-lesson of the value and power of combined action or combined inaction. The resources of civilization would be severely strained if in any large area the natives generally ceased to work for their white employers, tore up their passes, returned to their kraals, and abstained from the payment of their tax, and such an example of passive resistance might prove infectious. Where the chiefs have retained their power, they still provide a strong bulwark against the spread of anarchical or

Bolshevist doctrine—of this we had an instance in the collapse of the "Watch Tower Movement" in North-Eastern Rhodesia—but the power of the chiefs in some parts of South Africa has been deliberately broken, and in others it is waning from natural causes.

Without taking an alarmist view of the situation, it seems fair to conclude that any intelligent defence scheme in the Union of South Africa must take account of the possibility of danger from the natives, and that even in respect of our own three Territories, although so long as they remain under direct Imperial control the risk probably is of the slightest, no unconditional guarantee of complete immunity could be given.

If we still had in South Africa such an Imperial garrison as was here before the War, the risk of trouble in our Territories would be minimized, and the means of dealing with it, if nevertheless it arose, would be at hand.

As things are at present, we have no alternative but to rely upon the Union for help in the event of any serious emergency.

The continuance of the present South African Military Command, and the restoration of the Imperial garrison in the Cape Peninsula to its pre-war strength and composition, would not very materially affect the position in regard to the three native territories, except in so far as a convenient Imperial Arsenal for the storage of munitions would remain available, and the High Commissioner would still be afforded the advantage of immediate access to the advice of a senior Imperial Military Officer. So far as a civilian can form an opinion, Infantry and Garrison Artillery would not be the most suitable troops for dealing with native trouble in our Territories, and it would probably not be possible to wait until suitable Imperial reinforcements could be brought in from overseas.

While, therefore, under present conditions reliance upon help from the Union would seem to have become inevitable, it is unfortunate that the very circumstance which would be most likely to create the necessity for the use of such help—viz., the further growth and success of the Nationalist movement in the Union—would accentuate the objections to its use. If, however, the natives should force our hand, no other course would be open to us, and the natives would have to bear the consequences.

We are not now in a position to tell the Union that the Imperial Government will itself undertake *ab initio* in all circumstances the whole defence of the three Territories, and, if no change in this respect is to be anticipated, it would seem unavoidable that the question of the defence of those Territories should be considered in consultation with the Union Government, and on the basis of its relieving the Imperial Government of the immediate military obligations for the protection of European life and property pending the arrival of Imperial troops, beyond the limited extent to which those immediate obligations could be met from our own local resources.

It would be very desirable, however, that in concerting plans the utmost discretion should be observed, and that anything in the nature of visits of inspection or staff rides within the Territories or on their borders by Union officers should be avoided, lest native suspicions should be aroused.

In respect of the two Rhodesian Territories, the obligation for internal defence rests in the first instance with the British South Africa Company, but the Crown, apart from general considerations of Imperial solidarity, has a special concurrent responsibility, in consequence of the constitutional provision that only the High Commissioner can declare the local forces to be employed on Active Service, and that, while on Active Service, they are under his control.

It is, however, the duty of the Company, through its local Administrations, to make such provisions for internal defence as might reasonably be expected to suffice for any likely emergency.

It is probably safe to assume that, in Southern Rhodesia at any rate, the risk of serious native trouble is slighter than in the Union. The natives in Southern Rhodesia are, generally speaking, more primitive, more contented, and have fewer points of cohesion than the natives in the Union. The large Native Reserves in the Territory relieve to some extent the economic pressure, and the menace of a "Dutch Republican" movement is remote. Moreover, local native policy is conducted under close Imperial supervision, which would ensure, if reassurance were needed, the observance of due regard for native rights and interests.

It must be remembered, however, that the present form of Government in Southern Rhodesia is approaching its end. If the Territory should in the course of

the next few years decide upon entry into the Union, its whole defence problem would automatically become a liability of the Union Government and would cease to be a matter of direct concern to the Imperial Government. If, however, as is perhaps more probable, the settlers should elect for some form of Responsible Government as a settlement, whether transitional or permanent, of their Constitutional question, defence would presumably have to be one of the obligations to be undertaken by the new Government.

It might then be open to doubt whether the new Government and legislature would be willing and able to maintain a European Police Force on the present scale of the British South Africa Police. Any reductions in that direction should, however, only be permissible if they were counterbalanced by an extensive and effective utilization of the Territory's resources of able-bodied men among the white settlers. The present reluctance to accept liability for compulsory military training and compulsory military service might be expected largely to disappear with the elimination of Company rule, and it might be hoped that, if a well-considered scheme were adopted, the Territory would be in a position to provide for its own internal defence against native trouble, without dependence upon help from outside.

In Northern Rhodesia the natives are still more primitive, and have even fewer points of cohesion than in Southern Rhodesia, but the white population is very small and is mainly concentrated along the railway line and in one or two isolated outlying settlements, and the local Police Force is predominantly manned by natives.

The risk of a general rising of Northern Rhodesia natives need perhaps hardly be considered, but particular tribes might give trouble, and if such trouble were on a formidable scale, it seems questionable whether the available local forces would suffice to suppress it without help from outside.

If, at the time, Southern Rhodesia had become a self-governing Territory, while Northern Rhodesia remained under the Company or had passed under the direct control of the Crown, it is conceivable that Northern Rhodesia might not be able to rely unconditionally upon assistance from Southern Rhodesia, and in that event the Territory might have to look for help to its British neighbours in Central and Eastern Africa. If, however, Southern Rhodesia had become part of the Union, the Union Government might probably be ready to co-operate in the defence of Northern Rhodesia on similar terms as might be applicable to the three Southern native Territories under the High Commission.

It should, however, be borne in mind that the ability of the Union to give help to others might be seriously impaired in the event of disturbances occurring simultaneously within and without its borders.

If His Majesty's Government thought it desirable to supplement the eventual resources of Southern Rhodesia for its own defence, and at the same time to keep at hand a striking force available for the preservation of peace and order in Northern Rhodesia, an effective means for securing both ends would be the maintenance of a small, but suitably constituted, Imperial garrison in Southern Rhodesia. If such a garrison (which probably, in order to be really useful, would have to comprise an air force) were stationed on the high veld between Umtali and Salisbury, it would serve also as a protection to the Rhodesian line of communication with the Port of Beira against possible raiding parties from the south or elsewhere, and there would be the further advantage that it would be within fairly prompt access to Basutoland, the Bechuanaland Protectorate, and Swaziland, and that to this extent their dependence upon Union help in the event of native trouble would be reduced.

The establishment and maintenance of such a garrison would, of course, be costly, and it would be important to make sure that the new departure would not be regarded by the Union Government as implying the contemplation of active intervention in Union affairs. If possible difficulties in both these respects could be surmounted, the suggestion might perhaps merit consideration.

As the general question of the military defence of South Africa involves not only the three native territories under the High Commission, but also to some extent the two Rhodesias, it might be thought desirable to arrange that the Commandant General of the Rhodesian Forces should be in London and available for consultation by His Majesty's Government while discussions were proceeding with the representatives of the Union Government.

H. J. STANLEY,
Imperial Secretary.

13163

No. 106.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

Sir,

Downing Street, 24th March, 1921.

WITH reference to my telegram of the 17th February,* I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a letter from the War Office relative to the question of the disposal of War Department lands and buildings in South Africa.

2. A copy of the War Office letter of the 7th May, 1913, was enclosed in Mr. (now Viscount) Harcourt's despatch No. 208, of the 10th May, 1913.†

I have, &c.,

(For the Secretary of State).

L. S. AMERY.

Enclosure in No. 106.

Sir,

War Office, London, S.W.1, 17th March, 1921.

WITH further reference to your letter of the 8th January last, and in continuance of War Office letter of the 17th ultimo, I am commanded by the Army Council to state, for the information of Mr. Secretary Churchill, that in regard to the question of the disposal of War Department lands and buildings in South Africa, they agree to take no action towards disposal pending the result of the proposed conference in June next.

2. The Army Council, however, consider it desirable to set out now in general terms their opinion as to the categories in which the various properties in question fall and as to the method by which they should be valued in those cases in which payment will fall to be made by the Union Government in respect of property transferred to them. The various classes of properties and the appropriate methods of disposal may be summarized as follows:—

(a) *Land and Buildings provided by the Union Government, or its predecessors, free of cost to the War Department.*—In these cases the property is re-transferred to the Union Government unconditionally.

(b) *Lands and Buildings provided at Imperial cost and required by the Union Government for Military purposes.*—In these cases also the property is transferred to the Union Government unconditionally, provided that it is clear that the latter cannot meet their requirements from other sources, *vide* War Office letter of 7th May, 1913.‡

(c) *Lands and Buildings provided at Imperial cost and required by the Union Government for public purposes other than Military.*—In the case of properties falling within this category the Army Council are of opinion that they could fairly call upon the Union Government to pay the price which the land and buildings would fetch in the open market less the value of the site if that was provided free by the Union Government's predecessors. In view, however, of the representations in the Union Prime Minister's minute of 26th November, 1920, they are prepared to agree, in cases where the site was provided without cost to the War Department, to leave the basis of valuation of the buildings for consideration at the Conference, but in cases where the land, as well as the buildings, has been provided at Imperial cost, the Army Council would expect the Union Government to pay the full value of the property.

(d) *Lands and Buildings provided at Imperial cost and not required by the Union Government for any purpose.*—In such cases the Army Council would,

* No. 104. † 15583: not printed.

‡ The following is an extract from this letter:—

The Army Council hold that the Union military requirements should, so far as possible, be met from lands and buildings provided by the Colonies (or failing these from the balance in the Colonial Military Lands Account), and that lands purchased by the Imperial Government, or buildings erected at their expense, unless these are clearly the only reasonable means of provision for colonial military needs, should be left available for sale to partially recoup the Home Government for past expenditure.

naturally, have a free hand in disposing of the properties. There may, however, be a certain number of instances in which, although the buildings have been erected at Imperial cost, the land has been provided free of cost by the Union Government's predecessors, and it is proposed that the method of dealing with such cases be considered at the Conference in June, when it will be known how many such properties exist.

3. A copy of this letter is being sent to the local military authorities, who are being requested to divide all the existing War Department property in South Africa into the above four categories, and to confer with the Union Government with a view to effecting provisional settlement locally of cases where there is doubt as to the proper classification. They are also being requested to have rough valuations of the properties made in all cases where, under the above proposals, payment would fall to be made by the Union Government.

4. On receipt of a report on the result of the action taken in accordance with the instructions referred to in the above paragraph, the Army Council will consider further their attitude in regard to the question of terms of disposal of any properties required by the Union Government for non-military purposes, but it is obvious that they will not be in a position to discuss the matter further by means of correspondence prior to the Conference in June.

I am, &c.,

B. B. CURITT.

The Under Secretary of State,
Colonial Office.

16302/S

No. 107.

THE SECRETARY OF STATE TO THE HIGH COMMISSIONER.

(Sent 5.45 p.m., 6th April, 1921.)

TELEGRAM.

(Paraphrase.)

With reference to your Secret despatch 31st January,* Army Council agree with me in thinking it better that memorandum by Imperial Secretary should not be communicated officially to General Officer Commanding. It is not thought necessary that General Edwards should be invited to be present in June at discussion here.—SECRETARY OF STATE FOR THE COLONIES.

16302/S

No. 108.

THE SECRETARY OF STATE TO THE HIGH COMMISSIONER.

(Secret.)

Sir, Downing Street, 8th April, 1921.

With reference to Your Royal Highness's Secret despatch of the 31st January,* relative to the military defence of the South African High Commission territories, and to my telegram of the 6th April,† I have the honour to inform you that it was not thought necessary that the memorandum by the Imperial Secretary, which was forwarded in your despatch under reference, should be communicated officially to the General Officer Commanding, South African Military Command, since his responsibilities are confined to the Cape Peninsula.

2. The Army Council also consider that it is unnecessary for the Commandant General of the Rhodesian Forces to be present at the discussion of South African defence matters on the occasion of the forthcoming meeting of the Imperial Cabinet.

3. The Council state that the information given, and the opinions expressed in Mr. Stanley's memorandum, are of great interest to them, and they will give them careful consideration when any questions arise in connexion with the rather difficult problem of military action in the High Commission territories should such be required.

I have, &c.,

(For the Secretary of State),

L. S. AMERY.

* No. 105.

† No. 107.

37695/S

No. 109.

COLONIAL OFFICE to WAR OFFICE AND ADMIRALTY

(Secret.)

Sir,

Downing Street, 28th July, 1921.

I AM directed by Mr. Secretary Churchill to transmit to you, to be laid before [the Army Council,] [the Lords Commissioners of the Admiralty,] a copy of correspondence with the Prime Minister of the Union of South Africa on the subject of the defences at Simonstown.

I am, &c.,

HENRY LAMBERT.

Enclosure 1 in No. 109.

MY DEAR SMUTS,

Colonial Office, Downing Street, 25th July, 1921.

THE great importance of Simonstown as a fuelling base and naval station of the British Navy makes it necessary for us to ask for definite assurances from the Union Government that it will be kept in the necessary state of defence for Imperial purposes when we hand it over and withdraw the Imperial garrison. At the present time, and perhaps for years to come, no special arrangements are needed; but world circumstances may change and the technical apparatus of defence may also undergo very far-reaching modifications.

We wish to be assured that the Union Government will keep this naval station in such a state of defence that it will at all times be able to discharge its functions as a naval link in the sea communications of the British Empire; and that the Union Government will for this purpose consult with the British Admiralty and conform to their requirements. If the cost of new works or new appliances asked for by the Admiralty should at any time exceed what the Union Government would be prepared to spend from a domestic point of view, the extra charge would, of course, be met by Great Britain. It would also be an obligation on the part of the British Admiralty, War Office, and Air Ministry to supply all such technical personnel, either ratings or instructors, as might from time to time or at any time be required to secure the efficient maintenance of the defences. All such personnel would for the time being during their service in South Africa become members of the South African Defence Force.

Yours sincerely,

WINSTON S. CHURCHILL.

General

The Right Honourable J. C. Smuts.

Enclosure 2 in No. 109.

MY DEAR CHURCHILL,

The Savoy Hotel, Strand, W.C.2, 27th July, 1921.

I HAVE received and must thank you for your letter of 25th July. It confirms the arrangement arrived at in our conversation last week when Colonel Mentz, the Minister of Defence for the Union, was present.

The Union Government agrees to that arrangement and gives the assurances which are asked for in your letter.

Preliminary arrangements have been made for the transfer to the Union from the War Department of the Defences of the Cape Peninsula, and I should be greatly obliged if you will now inform your colleague, the Secretary of State for War, that, so far as you are concerned, matters have been arranged so that he is in a position now to give the necessary instructions for the handing over of the command at an early date.

We should be much obliged if this matter could be arranged as quickly as possible in order that the points of detail arising out of the transfer of this command may be discussed and settled before we return to South Africa.

Yours sincerely,

J. C. SMUTS.

The Right Honourable Winston Churchill,
Colonial Office,
Downing Street, S.W.1.

45717

No. 110.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 117.]

(Secret.)

SIR,

Downing Street, 19th September, 1921.

I HAVE the honour to inform Your Royal Highness that the question of War Department lands and buildings in the Union of South Africa has formed the subject of discussion between representatives of the Union and Imperial Governments in London in accordance with the suggestion contained in your Secret despatch of the 8th December, 1920,* concurrence with which was conveyed to you in my telegram of the 17th February, 1921.†

The agreement which was then arrived at is set forth in a letter, dated the 2nd August, 1921, from Sir W. L. Worthington-Evans, Secretary of State for War, to Colonel H. Mentz, Minister of Defence, Union of South Africa. That letter refers to a semi-official letter dated 18th July, 1921, addressed by Sir Roland Bourne, Secretary for Defence, Union of South Africa, to Sir George Barstow, of His Majesty's Treasury, in which the details of the agreement and the circumstances under which it was worked out are set forth. Copies of these two letters are enclosed.

2. It is understood that.

(a) The payment of the amount agreed upon, viz., £150,262, will be made by the Union Government during the financial year 1922-23, to the credit of Imperial Army Funds;

(b) The Union Government will reserve for the use of the Admiralty any War Department lands and buildings which are not required for land defences as now existing, but which are now, or are likely in the future to be, required for naval purposes;

(c) The Union Government will maintain in good order and condition, at its own expense, all military cemeteries in the Union, which have hitherto been maintained by, and at the expense of, the War Department.

3. I shall be glad if you will convey to me, in due course, your Ministers' formal acceptance of the terms and conditions contained herein.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure 1 in No. 110.

War Department Properties, South Africa.

MY DEAR BARSTOW,

18th July, 1921.

My Minister authorizes me to state that the Union Government will be prepared to accept the proposal you made to me on Thursday afternoon last after considerable discussion and a very courteous and patient hearing by you of my explanations of the viewpoint of the Union Government.

2. The circumstances in which it becomes necessary now to arrive at a full and final settlement as to the disposal of all War Department property in the Union are that His Majesty's Government in Lord Milner's Secret despatch of 10th October, 1919, notified the Union Government that it was not proposed to maintain any longer any Imperial troops in South Africa at the inland stations they occupied until the outbreak of the great War in 1914, and that His Majesty's Government is now agreeable to the Union Government assuming full responsibility for manning the coast defence of the Cape Peninsula both in peace and war.

3. That being so, the maintenance in the Union of the so-called "Colonial Military Lands" system inaugurated by the Knutsford-Ripon despatches in the "nineties"—a system never applied to the Transvaal and Orange Free State after they became British Colonies, but applied imperfectly only in the late Cape Colony, though more or less completely in the Colony of Natal—is no longer feasible or necessary.

* No. 108.

† No. 104.

This settlement we are now making is therefore to wipe out all those and any other current arrangements as to War Department lands and buildings in the Union and to effect a final disposal of them following mainly the lines of the Army Council's terms set forth in the War Office letter of 17th March, 1921 (Capt. 8/1046, D.L.1a.), to the Under Secretary of State, Colonial Office.

4. The proposal you made to me on the 14th instant was in effect that His Majesty's Government would regrad a payment to it by the Union Government of a sum of approximately £150,000 as meeting adequately the War Department's claim to receive valuable consideration for any of its land and buildings in the Union which could not be regarded strictly as property:—

(a) Necessary for the Union to use for defence purposes;

(b) Originally lent to or placed freely at disposal of His Majesty's Government for defence purposes by the Union Government or a Colonial Government to which the Union has succeeded, and no longer so used by His Majesty's Government.

5. I have now worked out the details and find that the exact sum to be paid by the Union Government is £150,262, made up as stated in the annexure to this letter.

6. The settlement now proposed may be described briefly as follows:—

(a) His Majesty's Government has literally fulfilled its policy of giving to the Union Government all the buildings which we can possibly claim as required for defence purposes by crediting the Union with the removal value of all these buildings; the Union has credited His Majesty's Government with the difference between "in situ" and removal value of such of those buildings which, though potentially required for defence purposes, cannot be so used "in situ" but can be used to great advantage "in situ" for other Government purposes. (Item £108,596.)

(b) The Union pays present removal or assessed value for various miscellaneous buildings it has used for other than defence purposes, or which have been destroyed by fire during Union temporary occupation. (Items £4,683 and £135.)

(c) The Union fulfils its obligation of 1913 to pay twelve and a-half per cent. of cost of buildings at Tempe then given free for defence purposes, but to be paid for at that rate if subsequently used for other purposes. (Item £3,473.)

(d) The Union fulfils its standing obligation taken over from the Transvaal Crown Colony Government to pay for Headquarter House, Roberts Heights. (Item £4,365.)

(e) The Union acquires the General Officer Commanding's residence at Bloemfontein at present market value as it is doubtful whether it can be used to best advantage for defence purposes. (Item £6,000.)

(f) The Union acquires the Tempe farms at the price the War Department originally paid for them. (Item £23,000.)

(g) The Union waives its claim, which I think can be maintained logically and in equity, for a refund of the sum of £41,000 paid in March, 1918, for the Main Barracks site, Cape Town, though the War Office contention is that this was a separate transaction and should not be brought "into hotchpot," as the lawyers say, with the final settlement of Colonial military lands.

(h) On the other hand, the War Department agrees to transfer to us all its holdings in land and buildings quite unconditionally with no reservation and without retaining any kind of reversionary or other interest in them.

(i) There is one reservation in detail to be settled between the Admiralty and War Department Representatives and myself as to reserving to the use of the Admiralty all War Department land and buildings at Simonstown now used by the Admiralty, or which is likely to be required by the Admiralty in the future. There is not the least objection on the part of the Union Government to the Admiralty retaining any land at Simonstown they now occupy, whether it be land registered as Admiralty or War Department land, for so long as it is required for Admiralty purposes. But if it was Crown land originally placed at disposal for such purposes by a Colonial Government, and the Admiralty or War Department did not purchase it, and therefore is not at liberty to realize its value by sale or lease to private parties if

it no longer is required for such purposes, then we want the freehold title to be held by the Union Government with a servitude registered against it in favour of the Admiralty as perpetual user for naval purposes.

Similarly, if there is any vacant War Department or Admiralty land in the neighbourhood of Simonstown similarly acquired from a Colonial Government, which the Admiralty contemplates using at some future date, then we want to get the freehold title, but impose on ourselves a servitude binding us not to dispose of it at all without the consent of the Admiralty.

This would put the tenure of land on a proper footing and prevent the recurrence of a bad practice which has crept in of the War Department leasing or giving encroachment rights on land so acquired from Colonial Governments. As it was given only for certain purposes it should not be used at all except for those purposes.

Of course any land which the Admiralty or War Department has acquired for valuable consideration given and which the Admiralty now want or contemplate requiring in the future remains as an Admiralty asset pure and simple to be disposed of just as the Admiralty desire.

7. As to payment by the Union of the £150,262, I am authorized by the Minister of Defence to state that the Union Parliament will be asked to provide the funds on its estimates 1922-23, and that payment will be made as soon as those estimates have been passed. No provision exists on current estimates, and as our session for this year has just concluded it would be very difficult to arrange for earlier payment. I understood you to say on Thursday last that you thought that payment, as I now propose, would probably meet the convenience of His Majesty's Government.

8. It is desirable that the War Department should give instructions for the preparation forthwith of all the proper documents necessary to complete transfer of the various properties to the Union Government, and my Minister would be very glad if the Secretary of State for War would cause such instructions to be issued.*

9. Colonel Mentz is anxious to conclude, as soon as possible, the business which detains him in England, and he would be greatly obliged if he could have a letter from the Secretary of State for War at Sir W. L. Worthington-Evans's earliest convenience on the subject of the points dealt with in this letter.

10. In order to place the settlement arrived at on more formal record correspondence in the usual form will have to pass through the Secretary of State for the Colonies, and His Royal Highness the Governor-General of the Union of South Africa. Whether that correspondence is initiated by the War Office or by Union Ministers is a point on which I have no doubt I can ascertain the convenience of His Majesty's Government from the Colonial Office.

11. Colonel Mentz desires me to thank you warmly, on his behalf and on the part of General Smuts, for the very kind and courteous way you, the War Office, Admiralty, and Colonial Office representatives have met him and me in this matter and have expedited the negotiations leading to this satisfactory result.

12. I am sending you two spare copies of this letter and a copy each to Mr. Draper of the War Office, Mr. Trew of the Admiralty, and Mr. Creasy of the Colonial Office.

Believe me,

Sincerely yours,

H. R. M. BOURNE.

Sir George Barstow, K.C.B.,
Treasury Chambers,
Whitehall, S.W.1.

* Union funds will, of course, bear all expenses of the transfer.

Annexure.

SCHEDULE OF AMOUNTS TO BE PAID BY UNION GOVERNMENT FOR WAR DEPARTMENT PROPERTIES IN THE UNION IN TERMS OF GENERAL SETTLEMENT.

Item.	Particulars.	Amount. £
1.	<i>Potchefstroom Cantonments:</i> Difference between "In situ" and "Removal" values of buildings to be utilized for purposes other than defence	108,596
2.	<i>Roberts Heights Cantonments:</i> Removal or assessed value of buildings used for other than defence purposes	4,683
3.	<i>Fort Napier, Pietermaritzburg Cantonment:</i> Same as at 2 above	135
4.	<i>Tempe Cantonments:</i> 12½ per cent. of estimated original cost of buildings used for other than defence purposes	3,473
5.	<i>Headquarters House, Roberts Heights:</i>	4,375
6.	<i>G.O.C.'s House, Bloemfontein:</i> Approximate value of land and buildings	6,000
7.	<i>Tempe Farms:</i> Approximate original cost	23,000
	Total	£150,262

Enclosure 2 in No. 110.

DEAR COLONEL MENTZ,

War Office, Whitehall, S.W.1, 2nd August, 1921.

WE have received from the Treasury a copy of Sir Roland Bourne's letter of 18th July to Sir George Barstow, regarding the terms on which War Department property in South Africa is to be transferred to the Union Government. The settlement may be summarized as follows:—

1. In consideration of a payment, to be made in 1922-23, by the Union Government to the Imperial Government, of £150,262, the War Department will transfer to the Union Government all War Department lands and buildings in South Africa as soon as they can be spared, without making on their own behalf any reservation, and without retaining any kind of reversionary or other interest in the property, all of which will be vested in the Union Government thenceforward.

2. The transfer to include War Department lands and buildings in which the Admiralty are interested, but to be subject in these cases to the following reservation on behalf of that Department, viz., that the Admiralty will be secured in the right of perpetual user for naval purposes of all War Department lands and buildings which they now occupy, or which they may desire to take over from us on our withdrawal; further that the Union Government undertake to obtain the consent of the Admiralty before disposing of any land or buildings at Simonstown now to be transferred to you by the War Department, and not immediately required for naval purposes. (Details of the Admiralty requirements will be furnished as soon as possible.)

In accordance with your request, I beg to notify you of my acceptance of a settlement on the above lines. The executive measures necessary to give effect to the settlement may, no doubt, take some little time, but I am giving directions that they are to be put in hand.

The date of completion need not prejudice the date of transfer to the Union Government of the command of, and the responsibility for, the Cape Peninsula land defences and garrison, which has been fixed as 1st December next.

Yours sincerely,

L. WORTHINGTON-EVANS.

Colonel the Honourable H. Mentz,
Savoy Hotel, W.C.2.

45717

No. 111.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret. (2))

SIR,

Downing Street, 19th September, 1921.

WITH reference to my Secret despatch of the 19th September,* regarding the transfer of military lands and buildings in South Africa to the Union Government, I have the honour to request Your Royal Highness to inform your Ministers that the Army Council have expressed the desire to place on record their appreciation of the fair and broad-minded spirit in which these questions have been discussed by the representatives of the Union Government while in London, and of the unfailing tact and courtesy displayed by them during the course of the negotiations.

I have, &c.,

WINSTON S. CHURCHILL.

47460/S

No. 112.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by Nos. 113 and 114.]

(Secret.)

SIR,

Downing Street, 26th September, 1921.

WITH reference to Your Royal Highness's Secret despatch of the 8th December, 1920,† I have the honour to request you to inform your Ministers that as a result of discussion with your Prime Minister when in London, it is proposed to transfer to your Government, with effect from the 1st December next, the responsibility for the Cape Peninsula land defences, including those of the Naval Dockyard at Simonstown.

2. At the same time, the great importance of Simonstown as a fuelling base and naval station of the British Navy makes it necessary for His Majesty's Government to ask that your Government will undertake to keep it in the necessary state of defence for Imperial purposes, after the Imperial garrison is withdrawn. At the present time, and perhaps for years to come, no special arrangements seem necessary; but world circumstances may change and the technical apparatus of defence may also undergo very far-reaching modifications.

3. His Majesty's Government desire, therefore, to be assured that your Government will keep the naval station in such a state of defence that it will at all times be able to discharge its functions as a naval link in the sea communications of the British Empire; and that the Union Government will for this purpose consult with the Admiralty and conform to their requirements. If the cost of new works or new appliances asked for by the Admiralty should at any time exceed what the Union Government would be prepared to spend from a domestic point of view, the Imperial Government would have to consider the question of meeting the extra charges consequent upon these demands. It would also be an obligation on the part of the Admiralty, the War Office and the Air Ministry to supply all such technical personnel, either ratings or instructors, as might from time to time or at any time be required to secure the efficient maintenance of the defences. All such personnel would, for the time being, during their service in South Africa become members of the Union Defence Forces.

4. I shall be glad to learn that your Ministers confirm these arrangements, and will give the assurances desired.

5. I enclose a copy of a memorandum in which the Army Council have recorded certain undertakings in connexion with the transfer, and I shall be glad to learn that it has your Ministers' concurrence.

6. I should be obliged if you would communicate to Major-General Carter the name of the officer to whom he should hand over.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 110.

† No. 103.

Enclosure in No. 112.

(Secret.)

PROPOSAL FOR HANDING OVER THE CAPE PENINSULA DEFENCES TO THE UNION GOVERNMENT.

1. It is understood that the Union Government agree to carry out the recommendation of the Committee of Imperial Defence to the best of their ability, as they have always done in the past, but that they would prefer not to give a definite guarantee as to either armament or garrison to be maintained. As regards the future defence requirements of those ports, the question of the principles according to which ports and naval bases should be defended in the future is still under consideration by the Committee of Imperial Defence. It is therefore impossible to give an accurate estimate of the future system of defence which will be required, the more so as no definite "scale of attack" has yet been decided on. It is, however, possible to give a rough idea of what these requirements will be, and a detailed scheme will be furnished to the Union Government by the Committee of Imperial Defence as soon as it is possible to do so within the next year or two.

2. The main object for which the Cape ports would be required in the event of another war would be to protect our sea communications in the neighbourhood, both by furnishing a secure base for naval forces operating in the vicinity, a harbour of refuge for transports and mercantile ships, and as a fuel depôt for all ships. The greatest danger to our sea communications in the neighbourhood will probably come from hostile submarines or submarine cruisers, but whatever may be the decision as to potential enemies against whom we should arrange to defend the ports it seems fairly certain that such defence should at least take into account the possibility of bombardment by hostile cruisers at considerable ranges (although at present no great danger is to be apprehended from such attack) either alone or in combination with submarine or aircraft attack. The main object of the fixed defences must therefore be to prevent any such bombardment and to deal with submarines or torpedo aircraft which might venture to approach the ports or anchorages.

It is considered that in the future it may be desirable to have guns firing over the sea area to the west of Simonstown Peninsula in order to prevent long range bombardment of the dockyard at that place. At present, however, and probably for some time to come, this is not considered to be essential. Again, later on, the provision of anti-aircraft guns may be required if there should develop any considerable danger of attack from the air, though for the moment the danger of air attack may be held to be practically non-existent.

Speaking generally, therefore, and without prejudice to the conclusions which may be arrived at as a result of detailed survey of the situation, it would seem that no very great change is likely to be required for some time to come in the existing defences except possibly the provision of an additional 9.2 inch gun, probably on a fresh site at Simonstown, and also the provision of high-angle mountings for existing 9.2 inch guns, so as to obtain a range of 28,000 yards. Of those, however, the latter is the only requirement which can be foreseen with certainty at the moment.

4. The garrison that would be required on these suppositions is estimated approximately as follows:—

(a) Commander and Staff.

(b) Garrison Artillery:

6 officers and 160 other ratings on a permanent basis to be expanded on the outbreak of war by the addition of another 20 officers and 350 other ratings.

(c) Fortress Engineers:

2 officers and 60 other ratings, permanent, with the addition of 3 officers and 90 other ratings on mobilization.

(d) Infantry:

A battalion or cadre with a total strength of some 200 to 300 other ratings, to be made up to 3 or 4 battalions on mobilization.

(e) Administrative Units:

As necessary.

Anti-aircraft artillery may be required later on; also field and medium artillery as movable armament unless the reserves at the disposal of the Union Government will suffice to provide any that may be required for the defence of these ports.

5. It is understood that the Union Government would be prepared to arrange for the storage and care at Imperial risk of any ordnance and other stores which it was desirable to retain at Cape Town as an Imperial reserve. It is not considered, however, that strategic conditions at the moment render such a proceeding necessary or advisable. Surplus munitions and stores could therefore be removed or disposed of either to the Union Government or in the open market. Before any such stores are disposed of it is understood that the Union Government would like to have the option to buy at a valuation. All munitions, technical stores, etc., now maintained by us for the Cape defences will be handed over to the Union Government free of charge; other stores taken over to be paid for in accordance with arrangements to be settled hereafter. Any new stores supplied would be on payment.

(The above remarks do not, of course, apply to surplus stores, which were originally Imperial property and have already been handed over to the Disposal and Liquidation Commission for disposal. It is understood these are all concentrated at Tempe, Bloemfontein.)

6. The War Office are prepared to lend to the Union Government on the usual financial terms, officers and non-commissioned officers, etc., for training and technical work until such time as experts from the Union Forces are in a position to replace them. Officers and non-commissioned officers from the Union Government will be trained in England as specialists in coast defence work to the extent required by the Union Government, so that in time all the technical posts can be filled by South African officers.

7. In view of the reasons of urgency put forward by the Union Government, it is proposed that the official date of transfer of responsibility should be 1st December, 1921, on which date command will pass to the representative of the Union Government appointed to command the Cape defences. It may, however, be necessary for a few officers to remain to clear up administrative questions connected with the transfer.

28th July, 1921.

57078

No. 113.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 15th November, 1921.)

(Secret. (2))

SIR, Governor-General's Office, Pretoria, 26th October, 1921.

I HAVE the honour to acknowledge the receipt of your despatch, Secret, of the 26th September, 1921,* regarding the transfer to the Union Government of the responsibility for the Cape Peninsula land defences, including those of the Naval Dockyard at Simonstown. I have referred the despatch to my Ministers for consideration, but in the meantime transmit, for your information, a copy of a minute which I had previously received and communicated to the General Officer Commanding, South African Military Command, intimating that the command should be handed over to Colonel W. E. C. Tanner, C.B., C.M.G., D.S.O.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 113.

MINUTE No. 989.

Prime Minister's Office, Pretoria, 11th October, 1921.

MINISTERS have the honour to request His Royal Highness the Governor-General to advise the General Officer Commanding, South African Military Command, that Colonel W. E. C. Tanner, C.B., C.M.G., D.S.O., Commanding Union Garrison Troops, Cape Peninsula, will be the officer with whom he should make arrangements to hand over the command and fixed defences of the Cape Peninsula, together with buildings, lands, stores, etc., from the 1st December, 1921.

* No. 112.

Ministers understand that a formal intimation of the arrangements under which the transfer of this command will take place at that date is being indicated to His Royal Highness by the Secretary of State for the Colonies in pursuance of the agreement arrived at between His Majesty's Government and Union Delegate Ministers during the recent visit of the latter to London.

Ministers desire, however, to anticipate, in this respect, receipt of the Secretary of State's despatch as they understand Major-General Carter will be glad to be officially advised, at the earliest possible date, on the point of the officer to whom he has to hand over.

J. C. SMUTS.

57079

No. 114.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 15th November, 1921.)

[Answered by No. 115.]

(Secret. (3))

SIR, Governor-General's Office, Pretoria, 26th October, 1921.

I HAVE the honour to transmit to you herewith, with further reference to your Secret despatch of the 26th September, 1921,* copy of a minute from Ministers on the subject of the transfer to the Union Government of the responsibility for the Cape Peninsula land defences, including those of the Naval Dockyard at Simonstown.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 114.

(Secret.)

MINUTE No. 1034.

Prime Minister's Office, 26th October, 1921.

MINISTERS have the honour to request His Royal Highness the Governor-General to convey to His Majesty's Government the sense of their high appreciation of the action and attitude of His Majesty's Government in the matter of transferring to the Union Government the responsibility for the land defences of the Cape Peninsula as from 1st December, 1921.

2. Ministers fully recognize the importance of that responsibility and realize that to bring to and maintain those defences in the state of complete efficiency which the security of the naval base at Simonstown demands, or may in the future demand, may be no light or easy task for the Union. It is, however, one which Ministers feel that the Union of South Africa is bound in honour and duty to undertake.

3. Ministers give the assurance which His Majesty's Government desire as stated in the third paragraph of Mr. Secretary Churchill's despatch dated 26th September, 1921, transmitted to Ministers under cover of His Royal Highness's minute 1/1287, of 21st October, 1921, and confirm the arrangements set forth in that despatch.

4. Ministers desire also to express their concurrence in the terms of the Army Council memorandum dated 28th July, 1921, which forms an annexure to that despatch.

5. Ministers have already, in their minute No. 989, of the 11th October, 1921, notified His Royal Highness that Colonel W. E. C. Tanner, C.B., C.M.G., D.S.O., is the officer to whom Major-General Carter should hand over the command.

* No. 112.

6. Ministers desire to inquire whether His Majesty's Government has any objection to their laying before the Union Parliament at its next session copies of Mr. Secretary Churchill's despatch of the 26th September, 1921 (without the annexure of the Army Council's memorandum), and of this minute. Ministers are of opinion that it would be desirable thus to make public in South Africa the text of these documents, which are of great concern and interest to the people of South Africa.

J. C. SMUTS.

60653

No. 115.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 13th December, 1921.

WITH reference to Your Royal Highness's Secret despatch (3), of the 26th October,* on the subject of the transfer to the Union Government of the responsibility for the Cape Peninsula land defences, including those of the Naval Dockyard at Simonstown, I have the honour to request you to inform your Ministers that His Majesty's Government have no objection to copies of my Secret despatch of the 26th September† (without the annexure of the Army Council memorandum) and of Ministers' minute of the 26th October‡ being laid before the Union Parliament at its next Session.

I have, &c.,

WINSTON S. CHURCHILL.

64023

No. 116.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th December, 1921.)

(No. 751.)

SIR,

Governor-General's Office, Pretoria, 1st December, 1921.

I HAVE the honour to report that the South African Military Command ceased to exist to-day when Major-General Carter officially handed over Imperial military responsibilities in this country to the Union Government.

2. The Prime Minister had previously informed me that he wished to mark the importance of this event in an outstanding manner. General Carter was accordingly asked by the Government to visit Pretoria in order to effect a formal transfer, and I invited him and Mrs. Carter to be my guests at Government House during their visit. Admiral Sir W. Goodenough also stayed with me and attended the functions as representative of the Navy.

3. On 1st December I gave an official banquet at Government House in General Carter's honour, which was attended by Ministers and prominent members of the Naval, Military, and Civil Services. General Carter's health was proposed by me, but there were no speeches.

4. On 2nd December the Prime Minister also gave a dinner in General Carter's honour. In the course of my speech I took occasion to emphasize the fact that South Africa had been entrusted with grave responsibilities, particularly with regard to the defence of Simonstown. The Prime Minister paid a tribute to the generous behaviour of the British Government and to the part the Imperial Army had played in South Africa. General Carter replied appropriately.

5. I enclose Press reports§ of the speeches delivered.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

* No. 114.

† No. 112.

‡ Enclosure in No. 114.

§ Not printed.

9625

No. 117.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1st March, 1922.)

(Secret.)

SIR,

Governor-General's Office, Pretoria, 8th February, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatch Secret of the 19th September* copy of a Minute from Ministers (with enclosures) on the subject of War Department lands and buildings in the Union.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 117.

(Secret.)

MINUTE 95.

Prime Minister's Office, Pretoria, 6th February, 1922.

MINISTERS have the honour to acknowledge receipt of His Royal Highness the Governor-General's Minute No. 1/1283 dated 17th October, 1921, covering a secret despatch from His Majesty's Secretary of State for the Colonies dated 19th September, 1921, on the subject of the transfer to the Union Government of all War Department lands and buildings in the Union, and to request His Royal Highness to convey to His Majesty's Government their acceptance of the terms and conditions of the settlement.

Ministers consider it desirable to place on formal record the actual lands and buildings handed over by His Majesty's Government in terms of the settlement now arrived at and the dates as from which the various properties shall be deemed to be transferred, as also exact particulars as to the lands and buildings which are to be reserved at the request of the Admiralty for naval purposes. This information is shown in annexures A and B† hereto.

Ministers have the honour to request His Royal Highness to convey to His Majesty's Government their high appreciation of the sympathetic manner in which their representations on this subject were met and of the courtesy and consideration accorded to their representatives in the course of the negotiations in London, which have led to a settlement of these difficult matters on a basis which Ministers trust is as satisfactory to His Majesty's Government as it is to the Government and people of the Union of South Africa.

J. C. SMUTS.

26573

No. 118.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.42 p.m., 1st June, 1922.)

TELEGRAM.

1ST JUNE. Second reading of Bill to make provision for taking over by Union of South Africa, of War Department and Admiralty lands for their conservation and for establishment of fund to be called "Defence Endowment Account," into which shall be payable moneys acquired from lease, rent or sales of "Defence Endowment" property, will be moved in House of Assembly to-day. Bill further provides that no money shall be withdrawn from account except for permanent defence works (including armament for fixed defences) and buildings. Value of buildings not being less than their market value, to be assessed by Minister. Draft Bill being sent by mail to-morrow.—ARTHUR FREDERICK.

* No. 110.

† Not printed.

35580

No. 119.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th June, 1922.)

(Confidential. (2))
(Extract.)

SIR, * * * Government House, Pretoria, 9th June, 1922.

Defence Endowment Property and Account Bill.

As reported in my telegram of the 1st instant,* a Bill entitled the "Defence Endowment Property and Account Bill" has been introduced to make provision for the acquisition and management of War Department and Admiralty lands. A fund to be called the "Defence Endowment Account" will be established into which shall be payable all moneys obtained by the lease, rent, or sale of such property. This fund is not to be drawn upon except for permanent defence works and buildings and fixed armament. In the event of disposal of any defence property the price will be assessed by the Minister at a figure not less than its market value. I cabled the substance of the measure to give the War Office an opportunity of making any comments before the third reading was moved. Although I consider the Bill is good in principle, I was of the opinion that, as a matter of courtesy, the Government should have given notice to the Imperial Government of its intention to introduce legislation dealing with these properties.

Tribute to Generosity of Imperial Government.

In moving the second reading of this Bill the Minister paid a tribute to the generosity of the Imperial Government in handing over the defences and command on such liberal terms. The Union Government, he said, realized that the defence of the Simonstown Naval Station and Dockyard was a serious responsibility. In the estimates provision was made for a force of 300 highly trained regular gunners costing £75,000, reinforced by the Cape Field Artillery, the Cape Town Highlanders, and various other units provided in the Defence Act.

Properties Taken Over.

The properties taken over, the Minister continued, numbered 79, and included land and buildings at Pietermaritzburg, Durban, Pretoria, Potchefstroom, Tempe, Cape Town (including the Castle and Fort Knokke), Wynberg, etc. The whole cost of these buildings to the Union was only £150,000. For the rest there had been a "free gift in the fullest sense of the word," and he was sure the House would not fail to express its gratitude to the Imperial Government for its generosity.

Nationalist Suspicions.

General Kemp (Nationalist) refused to believe that the Imperial Government was capable of exhibiting generosity, and expressed the opinion that the Union Government's responsibilities in connexion with Simonstown were far too costly, that the defences there would never become the property of the Union, and that the expense entailed in their upkeep would rob the whole transaction of any merit from the South African point of view.

Rebuke from Other Parties.

These remarks provoked reprisals from the Labour and South African Party benches, Mr. Merriman remarking that he had "never heard a speech in more bad taste," and that, considering his past record, General Kemp would have done better to have remained silent.

The second reading was agreed to, and on the motion of the Minister the Bill was referred to the Public Accounts Committee.

I have, &c.,

ARTHUR FREDERICK.

Note.—The agreement as to the transfer of War Department lands was given effect to in the Union by the Union Defence Endowment Property and Account Act, No. 33 of 1922. A copy is attached to 62523/22.

MILITARY LIAISON.

Loans, Attachments, and Interchanges.

(See pages 44-54 of Dominions No. 72.)

1028

No. 120.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by Nos. 121 and 124.]

(Commonwealth of Australia. No. 45.)
(New Zealand. No. 22.)

MY LORD,

Downing Street, 21st January, 1921.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of an extract* from a despatch from the Government of India regarding the deputation to India of officers from the Oversea Dominions.

2. The Secretary of State for India proposes to concur in the draft regulations† which accompany the enclosed despatch, and hopes that they may prove acceptable to the [Commonwealth Government.] [New Zealand Government.]

I have, &c.,

MILNER.

Enclosure in No. 120.

EXTRACT FROM DRAFT REGULATIONS.

4. (i) Officers will ordinarily be attached to regimental units, British and Indian, for nine months and to the staff for three months. They will be given every facility for studying regimental training and for attendance at Schools of Instructions, e.g., Musketry, etc.

(ii) Officers selected for further training in India after a course at the Staff College, Quetta, will be attached as a rule to the staff of a brigade on the frontier, and to the General Staff at Army Headquarters for periods not exceeding one year in all.

(iii) Officers of the Commonwealth Citizen Forces will be attached to British units of their own arm, to gain an insight into regimental life and the duties of a regimental officer.

(iv) In all cases officers will be required to perform the actual duties of their rank and arm of the service, and will not be employed in the capacity of "spectators."

5. It is necessary that the full names, etc., of officers to be deputed to India, together with details of their pay and allowances, should be communicated to the Secretary of State for India, in sufficient time to allow of the information being transmitted to the Government of India at least three months prior to the date of the proposed deputation. Officers selected for admission to the Staff College, Quetta, should arrive in India in time to join the College on 30th February. It is very desirable that all other officers should arrive during the month of October when the drill season commences.

28776

No. 121.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9th June, 1921.)

(No. 72.)

SIR, Government House, Wellington, 13th April, 1921.

I HAVE the honour to acknowledge the receipt of your predecessor's despatch, No. 22, of the 21st January,‡ enclosing extracts from a despatch from the Indian Government, regarding the deputation to India of officers from the Oversea Dominions.

2. My Government much appreciate the offer of three vacancies per annum at the Senior Officers' School, India, and hope to be able to avail themselves of the offer, at least to some extent, but they cannot see their way to fill any of the vacancies for the year ending 31st December next.

3. Draft Regulations which accompanied the despatch under reply, are acceptable to my Government, but they would be still more acceptable if a slight amendment were made in the following sense:—

The first sentence of paragraph 8 would entail the names of officers deputed to India from New Zealand being posted almost six months prior to the date of the proposed deputation. This would be inconvenient, and would almost certainly lead to corrections from time to time. It would be appreciated if this period could be reduced either by allowing communication direct with India, or by reducing the notice required.

I have, &c.,
JELLICOE,
Governor-General

28684

No. 122.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 238.)
(New Zealand. No. 120.)

MY LORD,

Downing Street, 17th June, 1921.

I HAVE the honour to request Your Excellency to inform your Ministers that a Senior Officers' School, similar to the one in this country at Woking, the purpose and scope of which are described in the enclosed Army Order 97 of 1920,* has been opened in India, and that the second course will begin on the 1st September, 1921, and will last for approximately three months.

2. The Government of India have intimated that they are prepared to allot four vacancies at this course to Australian and New Zealand officers, and I should be glad if you would telegraph direct to the Government of India whether the number of vacancies will meet your Ministers' requirements.

3. If the proposals are found satisfactory, I have to suggest that the further correspondence should be carried on direct between your Government and the Government of India.

I have, &c.,
WINSTON S. CHURCHILL.

31217

No. 123.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 7th July, 1921.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 12th October, 1920,† stating that your Ministers concur in the general principles contained in the Army Council's memorandum‡ on the subject of loans, attachments, and interchanges of officers and other ranks between the military forces of the Empire.

2. The Army Council, to whom your Ministers' observations have been communicated, inform me that as regards paragraph 2 (c), the intention is that the Dominion Governments should meet non-effective charges only in respect of the officer loaned, and not in respect of the officer who takes the place of the loaned officer.

* Not printed here. † No. 82 in Dominions No. 72. ‡ Enclosure in No. 77 in Dominions No. 72.

3. With regard to paragraph 4 (c), the Army Council state that the question of the rates of travelling allowances and other emoluments of Australian officers interchanged with India is one for settlement between the Commonwealth Government and the Government of India. In this connexion I would invite reference to my predecessor's despatch No. 45 of 21st January last.*

I have, &c.,

WINSTON S. CHURCHILL.

36108

No. 124.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th July, 1921.)

[Answered by No. 129.]

(No. 201.)

SIR,

Governor-General's Office, Melbourne, 9th June, 1921.

REFERRING to Viscount Milner's despatch dated the 21st January, 1921, No. 45,* covering a copy of an extract—paragraph 9—from a despatch from the Government of India respecting the deputation to India of officers from the Oversea Dominions, I have the honour to inform you that I am advised by my Acting Prime Minister that the draft regulations which accompany the extract are generally acceptable to the Commonwealth Government as applicable to officers of the Australian Military Forces who may from time to time be sent to India.

My Ministers consider, however, that the advantages offered in paragraph 4 (i) of the draft regulations will be required very rarely.

The proposal in paragraph 4 (iv) is thoroughly concurred in, and, it is thought, should apply equally to the post Staff College courses referred to in paragraph 4 (ii).

The officers sent to India under the provisions of paragraph 4 (iii) will be young officers of the Permanent Forces who have just completed their course of four years as Cadets at the Royal Military College, Australia. They will have received a general military education as Cadets, but the year spent in India will be the beginning of their career in the arm of the service for which they have been selected. The objects of sending them abroad for one year's attachment are:—

(a) To enable them to make a study of their arm of the service;

(b) To familiarise themselves with the conditions of regimental soldiering.

It is considered that these objects can best be fulfilled by the continuous attachment of the officers throughout the whole year to a unit of their arm, and it is particularly desired that their whole period of attachment should be spent with regimental units. They should not attend special courses nor be attached to the Staff.

It will be seen that in the case of these young officers it is not so necessary that they should arrive in India in October as suggested in paragraph 8 of the proposed regulations, as they will be required to complete a full year's attachment. It is desirable that they should be with the units for some time prior to the commencement of the training season.

My Ministers will be glad to receive fuller information respecting the course at the Senior Officers' School referred to in the extract. They appreciate very much the offer of six vacancies per annum for Australian officers, but state that it is unlikely that it will be possible to send more than two officers each year, and that this will be dependent upon funds being available.

I have, &c.,

FORSTER,

Governor-General.

* No. 126.

41561

No. 125.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.10 p.m., 23rd August, 1921.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)

My despatch 17th June,* Senior Officers' School, India. Ten vacancies reserved for Dominion Governments third course beginning about January next. Please wire direct to Government of India number accepted. Second course, see my despatch of 17th June. Government of India has received no names of officers selected so presumes vacancies not required.—SECRETARY OF STATE FOR THE COLONIES.

49595

No. 126.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 127, 130 and 132.]

(Canada. No. 583.)
(Union of South Africa. No. 349.)
(Newfoundland. No. 153.)

[My Lord,] [Sir,] Downing Street, 24th October, 1921.
I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the consideration of your Ministers, a copy of an extract† from a despatch from the Government of India regarding the deputation to India of officers from the Oversea Dominions.

2. The Secretary of State for India proposes to concur in the draft regulations,‡ which accompany the despatch, and hopes they may prove acceptable to the [Canadian Government,] [Union Government,] [Government of Newfoundland.]

3. I should be glad to learn as early as possible whether the proposed arrangements are acceptable to your Ministers.

I have, &c.,
WINSTON S. CHURCHILL.

60490

No. 127.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th December, 1921.)

(No. 692.)

Sir, Government House, Ottawa, 22nd November, 1921.
With reference to your despatch No. 583 of the 24th ultimo,‡ on the subject of a deputation to India of officers from the Overseas Dominions, I have the honour to inform you that the arrangements, as contained in the draft regulations forwarded in your despatch, are acceptable to the Canadian Government. The Minister of Militia and Defence considers it desirable that a Canadian officer should be sent to India each year, but action will have to be deferred until money is available to cover the necessary expenditure.

I have, &c.,
BYNG OF VIMY.

* No. 122.

† Enclosure in No. 120.

‡ No. 126.

61650

No. 128.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.(Canada. No. 723.)
(New Zealand. No. 254.)
(Union of South Africa. No. 409.)
(Newfoundland. No. 193.)

[My Lord,] [Sir,] Downing Street, 20th December, 1921.
With reference to [my despatch No. 583 of the 24th October,*] [my predecessor's despatch No. 22 of the 21st January,†] [my despatch No. 349 of the 24th October,*] [my despatch No. 153 of the 24th October,*] I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of India Army Order No. 11-S of 1921‡ regarding the classes held at the Senior Officers' School, Belgaum.

I have, &c.,
WINSTON S. CHURCHILL.

61650

No. 129.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 502.)

My Lord, Downing Street, 20th December, 1921.
With reference to the last paragraph of Your Excellency's despatch No. 201 of the 9th June,§ I have the honour to transmit to you, for the information of your Ministers, a copy of Indian Army Order No. 11-S of 1921,‡ which contains detailed information regarding the Senior Officers' School, Belgaum.

I have, &c.,
WINSTON S. CHURCHILL.

1461

No. 130.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th January, 1922.)

(No. 766.)

Sir, Governor-General's Office, Pretoria, 15th December, 1921.
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 349 of the 24th October,* copy of a minute from Ministers on the subject of the deputation to India of officers from the Oversea Dominions.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 130.

MINUTE 1152.

MINISTERS have the honour to acknowledge receipt of His Royal Highness the Governor-General's Minute No. 49/860 of the 18th November, 1921, relative to the deputation to India of officers from the Overseas Dominions and to state that although the despatch from the Government of India appears to indicate that the deputation of officers from Australia and New Zealand only is contemplated, the proposed arrangements would be entirely acceptable.

Ministers further state that it is not proposed to send any officers to India at present.

* No. 126.

† No. 120.

‡ Not printed here.

§ No. 124.

3829

No. 131.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24th January, 1922.)

[Answered by No. 133.]

(No. 281.)

SIR,

Government House, Wellington, 12th December, 1921.

I HAVE the honour to inform you that my Ministers have asked me to make representations to you, for transmission to the Army Council, regarding the interchange of officers between the Imperial Army and the New Zealand Forces, and between the New Zealand Forces and the Indian Army.

2. The New Zealand Government appreciates the value of the interchange of officers, and hopes to be able to submit, in the near future, comprehensive proposals for the systematic training of officers of the New Zealand Permanent Military, including interchanges, attachments, courses at Colleges, etc.

3. Interchange would keep the New Zealand Army in close touch with the British Army, which is its pattern and guide, and it would give the British Army a number of officers accustomed to the thought and customs of the Dominion and her soldiers, and therefore the better able to understand them and work with them in war.

4. At the same time there are difficulties in the way of effecting the interchanges, among which is that of finding officers of the British Army who are willing to accept the conditions of soldiering in New Zealand, where there is no regimental life, and where the duties are somewhat onerous as compared with duties with a regiment.

5. As an interim measure, and as part of the larger scheme, the New Zealand Government would be glad to know if the War Office would agree to the following proposals:—

(i) That one New Zealand officer per annum be exchanged with an officer of equal rank from the British Army, the officers to be Lieutenants of not less than five years service, and the exchange to be for a period of two or three years.

(ii) That the Government of India take over three New Zealand officers per annum for a period of three years, paying them British or Indian Army rates of pay and allowances, and using them as may be required. The officers to be regular officers of the New Zealand Permanent Forces of from five to seven years service.

6. As regards (ii) the advantages to New Zealand would be that a larger establishment could be maintained, that our officers could have the advantage of training with a unit, and that they could learn the language.

7. At the same time it is thought that the proposal would be advantageous to India for the following reasons:—

(a) Trained officers would be put at her disposal at their most useful age.

(b) India would have no liability for their promotion or retiring allowance, and

(c) Officers of New Zealand Forces would learn Indian languages, and would, therefore, be of great value to India should New Zealand ever be called on to provide troops for war in India.

8. A reply by telegraph, in the first instance, would be appreciated.

I have, &c.,

JELLICOE.

Governor-General.

5008

No. 132.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 1st February, 1922.)

(No. 6.)

SIR,

Government House, St. John's, 13th January, 1922.

I HAVE the honour to acknowledge the receipt of your despatch No. 153 of the 24th October, 1921,* regarding the deputation to India of officers from the Oversea Dominions, and to inform you that my Ministers have no objection to offer to the draft regulations enclosed in your despatch, the proposed arrangements being acceptable to them.

2. In view, however, of the proposal to disband the Military Establishment of the Newfoundland Regiment, the matter is one which hardly concerns this Colony.

I have, &c.,

C. ALEXANDER HARRIS.

18771

No. 133.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.25 p.m., 22nd April, 1922.)

TELEGRAM.

[Answered by No. 136.]

Your despatch of 12th December, No. 281,† Army Council state no objection to interchange one officer per annum between British Army and New Zealand Forces as suggested in paragraph 5 of your despatch, provided interchange took place under conditions given in paragraphs 4, 5 and 6 of memorandum enclosed in my despatch of 17th December, 1919, Confidential.‡ Secretary of State for India has forwarded your despatch to Government of India asking them to telegraph views as early as possible.—SECRETARY OF STATE FOR THE COLONIES.

24196

No. 134.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.45 a.m., 25th May, 1922.)

TELEGRAM.

[Answered by No. 135.]

GOVERNMENT of India anxious to learn whether any officers of New Zealand Forces are to be attached to British units in India for training during 1922; if so, should be glad to learn names of officers and branch of service to which each is to be attached. Views of Government of India on proposals contained in your despatch of 12th December, No. 281,† not yet received.—SECRETARY OF STATE FOR THE COLONIES.

* No. 126.

† No. 131.

‡ No. 77 in Dominions No. 72.

27201

No. 135.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.15 a.m., 7th June, 1922.)

TELEGRAM.

[Answered by No. 137.]

7TH JUNE. Your telegram 25th May.* Government of New Zealand does not propose to send any more New Zealand officers to India for attachment, but they would like Government of India to take three New Zealand officers per annum under conditions set out in my despatch 12th December, No. 281.†—JELlicoe.

28856

No. 136.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.14 a.m., 16th June, 1922.)

TELEGRAM.

[Answered by No. 138.]

16TH JUNE. Your telegram 22nd April.‡ My Government will be glad to know whether Army Council will agree to exchange of three officers per annum between the British Army and New Zealand Forces, instead of one as previously requested. It is desired that the exchange should be with units serving in India.—JELlicoe.

30306

No. 137.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.50 p.m., 29th June, 1922.)

TELEGRAM.

My telegram of 22nd April, your telegram of 7th June§: Government of India regret that with present heavy surplus of officers they cannot accept offer of your Government to send officers who would be charge on Indian revenues, but they would be willing to accept such officers for attachment to Indian Army provided that Government of New Zealand pays all charges, including passages, pay, and allowances.—SECRETARY OF STATE FOR THE COLONIES.

41937

No. 138.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 28th August, 1922.)

TELEGRAM.

[Answered by No. 139.]

28TH AUGUST. Your telegram 16th June.|| Do your Government wish to limit the proposed interchange of officers to British Army units in India? If so matter will be referred to Government of India and in that event arrangement

* No. 134. † No. 131. ‡ No. 133. § Nos. 133 and 135. || No. 136.

detailed in my telegram of 22nd April* not applicable as it did not contemplate interchange with British Army in India. See your despatch of 12th December, No. 281,† paragraph 5, sub-paragraph 1. If it is not desired now to limit interchange in this way should be glad to learn how many officers your Government wish to interchange annually (a) with British Army in India (b) with British Army other than units in India.—SECRETARY OF STATE FOR THE COLONIES.

45662

No. 139.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.20 a.m., 13th September, 1922.)

TELEGRAM.

13TH SEPTEMBER. Your telegram 28th August‡ as indicated in my telegram 16th June§ it is desired that if possible the three officers to be sent from New Zealand annually should be interchanged for a period of two years with the British Army in India so that each officer may obtain practical experience in handling troops in the field and at war strength.—JELlicoe.

RESERVE OF OFFICERS.

Provision of Passages for Officers on the Reserve List on Mobilization.

36940

No. 140.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 141, 142, 143, 144, and 145.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 258. Secret).

[MY LORD,] [SIR,]

Downing Street, 28th July, 1922.

I HAVE the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Army Council are anxious to make arrangements by which Officers on the Reserve List, residing in any of the British Oversea Dominions, may, on mobilization, be provided with passages to the United Kingdom or to any other country where the exigencies of the Service demand that they should be sent.

2. The Army Council suggest that the most convenient arrangement would be for such Officers, on application to the Government of the Dominion or Colony concerned, to be provided with the necessary sea passage, the cost of such passage being subsequently recovered from the War Office by the Oversea Government. The necessary instructions to Officers in the matter would be embodied in the written or telegraphic orders sent to them on mobilization.

3. I should be glad to learn whether your Ministers have any objection to the arrangement suggested by the Army Council, as far as Officers on the Reserve List resident in [Canada] [the Commonwealth of Australia] [New Zealand] [the Union of South Africa] [Newfoundland] are concerned.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 133.

† No. 131.

‡ No. 138.

§ No. 136.

43503

No. 141.
CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st August, 1922).

(Secret).

SIR, Ottawa, 20th August, 1922.
WITH reference to your Secret despatch Dominions No. 258 of the 28th July,* on the subject of arrangements proposed by the Army Council for providing passages to Officers on the Reserve List on mobilization, I have the honour to inform you that there is no objection on the part of this Government to the arrangements suggested by the Army Council as far as Officers on the Reserve List, resident in Canada, are concerned.

I have, &c.,
L. H. DAVIES.
Deputy Governor-General.

47729

No. 142.
NEWFOUNDLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 25th September, 1922).

(Secret).

SIR, Government House, St. John's, 11th September, 1922.
I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 258, Secret, of the 28th July,* on the subject of the provision of passages to the United Kingdom for Officers on the Reserve List residing in any of the British Oversea Dominions, and to inform you that my Ministers have no objection to offer to the arrangement suggested by the Army Council so far as Army Officers on the Reserve List resident in Newfoundland are concerned.

I have, &c.,
W. H. HORWOOD.

51747

No. 143.
UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th October, 1922).

(Secret. (2)).

SIR, Governor-General's Office, Pretoria, 23rd September, 1922.
I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 258, Secret, of the 28th July, 1922,* copy of a Minute from Ministers, on the subject of arrangements by which officers on the Reserve List residing in the Union of South Africa may, on mobilization, be provided with passages to the United Kingdom or to any other country where the exigencies of the Service demand that they should be sent.

I have, &c.,
ARTHUR FREDERICK.
Governor-General.

* No. 140.

Enclosure in No. 143.

(Secret).

MINUTE 741.

21st September, 1922.

MINISTERS have the honour to acknowledge receipt of His Royal Highness the Governor-General's Minute No. 49/901 of the 25th August, 1922, covering despatch Dominions No. 258, Secret, from the Secretary of State for the Colonies, dated the 28th July, 1922, and in reply to state that there is no objection to the arrangement suggested by the Army Council as far as Officers on the Reserve List resident in the Union of South Africa are concerned.

F. S. MALAN.

57464

No. 144.
NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st November, 1922).

(Secret).

SIR, Wellington, 6th October, 1922.
WITH reference to your Secret despatch, Dominions No. 258, of the 28th July,* I have the honour to inform you that my Ministers advise me that the Government of New Zealand concurs with the arrangement proposed, that Officers of the Reserve List of the Imperial Army residing in any of the British Oversea Dominions, may on mobilization be provided with the necessary sea passage to required destination by the Government of the Oversea Dominion in which the officer resides, the cost of such passage being subsequently recovered from the War Office by the Oversea Government concerned.

I have, &c.,
JELlicoe.
Governor-General.

60791

No. 145.
COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th December, 1922).

(Secret).

MY LORD DUKE, Governor-General's Office, Melbourne, 30th October, 1922.
WITH reference to your predecessor's Secret despatch, dated 28th July, 1922, Dominions No. 258,* on the subject of the provision of passages, on mobilization, for Officers on the Reserve List residing in the British Oversea Dominions, I have the honour, at the instance of my Prime Minister, to inform Your Grace that the arrangement suggested by the Army Council and specified in the despatch now under reference, is acceptable to the Commonwealth Government, and instructions accordingly have been issued by the Commonwealth Department of Defence.

I have, &c.,
FORSTER,
Governor-General.

* No. 140.

WAR MEDALS.

(a) Incidence of Cost of 1914-1915 Stars.

53243

No. 146.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 147, 148, 149, 150, 152, 153, and 155.]

(Canada.	} Dominions No. 464.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 17th November, 1920.

WITH reference to my telegram of the 8th March, 1919,* and connected correspondence regarding the regulations governing the issue, and the question of the incidence of cost, of the British War Medal and the Victory Medal, I have the honour to state, for the information of [Your Excellency's] [your] Ministers, that the question has now arisen as to whether the Dominion Governments will wish to pay for the 1914-1915 Stars issued to them, which are similar in character to the medals above-mentioned.

2. The Army Council state that the total cost of the Star and ribbons for all five Dominions is about £18,700, of which [£4,800] [£7,400] [£2,200] [£4,200] [£100] approximately falls to the share of the [Canadian] [Commonwealth] [New Zealand] [Union] [Newfoundland] Government.

3. I should be glad to be informed whether your Government would desire to pay the sum in question.

I have, &c.,
MILNER.

1740

No. 147.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th January, 1921.)

(No. 836.)

MY LORD, Governor-General's Office, Pretoria, 22nd December, 1920.

I HAVE the honour to transmit to your Lordship herewith, with reference to your despatch Dominions No. 464 of the 17th November, 1920,† copy of a Minute from Ministers on the subject of the payment by the Union Government for the 1914-1915 Stars, issued for distribution to members of the Union Forces.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 147.

MINUTE 1313.

Prime Minister's Office, 21st December, 1920.

MINISTERS have the honour to acknowledge receipt of His Royal Highness the Governor-General's Minute, No. 46/390 of the 10th instant, and in reply to inform His Royal Highness that Ministers are quite prepared to pay for the 1914-1915 Stars issued to the Union Government for distribution to members of the Union Forces.

The High Commissioner for the Union of South Africa in London is being instructed to make the necessary payment.

J. C. SMUTS.

* No. 125 in Dominions No. 72. † No. 146.

6162

No. 148.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 9th February, 1921.)

(No. 8.)

MY LORD, Government House, St. John's, 14th January, 1921.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 464 of the 17th November last,* on the subject of the cost of the British War Medal and the Victory Medal, and to inform you that my Ministers will gladly assume liability for the cost of the Stars and Ribbons to be issued to them (estimated at about £100), and will be prepared to make a remittance when they receive a definite statement of the cost.

I have, &c.,
C. ALEXANDER HARRIS.

17360

No. 149.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th April, 1921.)

(No. 40.)

SIR, Government House, Wellington, 27th February, 1921.

I HAVE the honour to inform you that I duly communicated to my Ministers the contents of Lord Milner's despatch, Dominions No. 464, of the 17th November,* inquiring whether the Government of this Dominion would wish to pay the sum of, approximately, £2,200 on account of the cost of the 1914-1915 Stars issued to the members of the New Zealand Expeditionary Force.

2. My Prime Minister states that the War Medals issued by His Majesty's Government under the Sovereign's Warrant are regarded as the King's recognition of services rendered by his subjects, and that in his opinion the undoubtedly very high value placed upon their War Medals by the soldiers of this Dominion would be lessened if these Medals were provided at the cost of the Dominion Government.

3. My Ministers feel, therefore, that it would be inadvisable for the New Zealand Government to undertake any financial obligation as regards these War Medals, and they hope that this view will be appreciated by His Majesty's Government.

I have, &c.,
JELLICOE,
Governor-General.

22561

No. 150.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9th May, 1921.)

[Answered by No. 151.]

(No. 105.)

SIR, Governor-General's Office, Melbourne, 23rd March, 1921.

WITH reference to Viscount Milner's despatch dated the 17th November, 1920, Dominions No. 464,* on the subject of payment for the 1914-1915 Stars supplied for the Australian Military Forces, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government will willingly pay for the Stars issued to them.

* No. 146.

My Ministers point out, however, that the price charged for the 1914-1915 Stars supplied by the Admiralty to the Commonwealth Department of the Navy is £4 16s. 0d. per gross or 8d. per Star, while the Commonwealth Government's share quoted in the despatch under reference in respect of the 1914-1915 Stars supplied by the War Office works out at approximately 1/2½d. per Star.

In view of the fact that the 1914-1915 Stars for the Navy and Army are identical, the difference in the amount charged to the two Services is not understood, and advice as to the reason for the difference would be appreciated.

I have, &c.,
FORSTER,
Governor-General.

30411

No. 151

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
(No. 261.)

MY LORD,

Downing Street, 2nd July, 1921.

With reference to Your Excellency's despatch No. 105 of the 23rd March,* relative to the cost of the 1914-1915 Star, I have the honour to request you to inform your Ministers that the Army Council state that the 8d. charged by the Admiralty was the cost of the Star itself; the full cost, including a cardboard box and envelope for each Star, packing and incidental expenses, is estimated at 9½d. To this has to be added a further 5d. per Star for the cost of ribbon, of which 9 inches, plus 5 per cent. spare, was issued with each Star, making the total 1/2½d.

The cases in which the Stars were packed for transport would be chargeable at 7/6d. each, in addition to the 1/2½d. chargeable for each Star with Ribbon.

I have, &c.,
WINSTON S. CHURCHILL.

46777

No. 152.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 19th September, 1921.)

(No. 155.)

SIR,

Government House, Wellington, 30th July, 1921.

With reference to my despatch, No. 40 of the 27th February last,† regarding the question of payment of the cost of the 1914-1915 Star issued to soldiers of the New Zealand Expeditionary Forces by His Majesty's Government, I have the honour to inform you that at the time this despatch was written, my Ministers had overlooked the fact that in my predecessor's telegram of the 24th March, 1919,‡ it was stated that the Government of New Zealand agreed to bear the cost of medals and ribbons supplied for allocation by them. To this decision my Government adhere, and they have asked me to express their regret that owing to the oversight referred to, a contrary view was embodied in my despatch of the 27th February.

2. The High Commissioner for New Zealand has therefore been requested, by telegraph, to make the necessary arrangements for the payment of the Dominion's liability in respect of War Medals.

I have, &c.,
JELLICOE,
Governor-General.

* No. 150.

† No. 149.

‡ No. 127 in Dominions No. 72.

51410

No. 153.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 p.m., 15th October, 1921.)

TELEGRAM.

[Answered by No. 154.]

15TH OCTOBER. Your telegram 20th August*; 1914-1915 Stars. My Ministers represent that this question has been subject of consideration by Militia Council, which has decided that matter had better stand over till end of the year.—BYNG.

1003

No. 154.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 155.]

(No. 24.)

MY LORD,

Downing Street, 11th January, 1922.

With reference to Your Excellency's telegram of the 15th October,† I have the honour to inquire whether a decision has yet been reached by your Ministers with regard to the incidence of cost of the 1914-1915 Stars issued to members of the Canadian Forces.

The Army Council represent that it would be a great convenience if the decision of your Government could be notified at an early date as all the other Dominion Governments have now expressed their willingness to pay for the Stars issued to their troops.

I have, &c.,
WINSTON S. CHURCHILL.

10694

No. 155.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th March, 1922.)

(No. 85.)

SIR,

Government House, Ottawa, 20th February, 1922.

With reference to your despatch No. 24 of the 11th ultimo,‡ inquiring whether a decision had been reached as to the incidence of the cost of the 1914-1915 Stars issued to members of the Canadian Forces, I have the honour to inform you that it has been decided that the cost of such Stars issued to members of the Canadian Expeditionary Force shall be defrayed by the Canadian Government.

I have, &c.,
BYNG OF VIMY.

* 41097; reminder; not printed.

† No. 153.

‡ No. 154.

(b) Forfeiture and Restoration.

10107

No. 156.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.22 a.m., 2nd March, 1921.)

TELEGRAM.

[Answered by No. 158.]

2ND MARCH. Reference conditions of deprivation and restoration of War Medals contained in Articles 637 (d), 637 A, 1,236 (c), 1,236 A, 1,239, 1,240 of Royal Warrant for pay would be glad if Army Council be consulted as to whether there is any objection to the powers conferred on Army Council by those Articles being exercised by the Military Board in relation to Australian Military Force. Large numbers of cases now await decision.—GOVERNOR-GENERAL.

6613

No. 157.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 161 and 162.]

(Canada.	} Dominions No. 134.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 9th April, 1921.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of Army Council Instruction No. 75 of 1921,* on the subject of the forfeiture and restoration of War Medals, together with an explanatory memorandum.

2. Copies of Army Order No. 298 of 1920, are also enclosed for convenience of reference.

I have, &c.,
(For the Secretary of State).
L. S. AMERY.

Enclosure in No. 157.

CIRCULAR INSTRUCTIONS TO ALL OFFICERS IN CHARGE OF RECORDS.

War Office,
27, Pilgrim Street, Ludgate Hill.

London, E.C.4, 4th February, 1921.

WITH reference to Army Council Instruction No. 75 of 1921, it is to be understood that the essence of this Instruction is that "if the State retains a man's service, a man retains his medals." Consequently, as the conditions of restoration of medals have thereby been made operative from the 5th August, 1914 (inclusive), it will happen that many men whose names have already been entered on Medal rolls in red ink, or with the remark "forfeited," will be found not to have forfeited under the new conditions.

2. With a view to facilitate the issue of the medals referred to in paragraph 3 of the above-mentioned Army Council Instruction (namely, the 1914 Star, the 1914-1915 Star, the British War Medal and the Victory Medal), officers in charge of Records will re-submit on supplementary medal rolls appropriate to the different

* Not printed here.

decorations, the names of those who have already been submitted to this Office as "forfeited" under Article 1236 of the Pay Warrant, previous to amendment by Army Order 298 of 1920, and whose medals are restored under the new conditions, a note being made in the "Column for Remarks" showing the page of the roll on which previously submitted. In cases where the particulars as to Regimental No., rank, or spelling of name shown on the previous roll were incorrect, the remark "(Regimental No., Rank, &c.) correct as now shown" will be recorded on the supplementary roll submitted.

3. In cases previously submitted on rolls as "forfeited" under Article 1236 of the Pay Warrant previous to amendment, where the medals remain forfeited under the new conditions (e.g., those now in a state of desertion, those executed by sentence of court martial, those discharged under one or other of the paragraphs of King's Regulations referred to in paragraph 1 of the Army Council Instruction in question) no further action will be taken.

4. Attention is drawn to paragraph 2 of the above-mentioned Army Council Instruction, which concerns the future submission of rolls of those who have forfeited medals, and which does not concern the case of those already submitted, which is legislated for above.

5. In cases where Distinguished Conduct Medals, Military Medals, Meritorious Service Medals and War Medals, otherwise than those specified in paragraph 3 of the Army Council Instruction under reference, forfeited whilst serving subsequent to the 4th August, 1914, are due for restoration under paragraph 1 of the Army Council Instruction, officers in charge of records will submit to this Department nominal lists ruled in accordance with the attached form.

C. H. FRITH, LL.-Col.,
for Director of Personal Services.

22276

No. 158.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.20 a.m., 12th May, 1921.)

TELEGRAM.

[Answered by No. 159.]

YOUR telegram 2nd March*: War Medals. Army Council inquire whether Army Council Instruction No. 75 and explanatory memorandum (see my despatch of 9th April, Dominions No. 134†) will not remove difficulties so that question of delegation no longer arises.—CHURCHILL.

34257

No. 159.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.30 a.m., 9th July, 1921.)

TELEGRAM.

[Answered by No. 160.]

9TH JULY. Your telegram 12th May.‡ deprivation and restoration of Medals. My Ministers advise that Army Council Instruction No. 75 does not remove difficulty. As Australian Imperial Force demobilized State does not retain services of men. King's Regulations No. 392 not applicable to Australian Forces. Number of cases discharged during demobilization for misconduct justify restoration owing to previous good war record. Government of Commonwealth of Australia desires also to provide for future cases of forfeiture and restoration in citizen and permanent force, and Ministers consider delegation to Australian Military Board essential for purposes of local administration. There is no intention to depart from principle of Pay Warrants. Ministers urge desirability of issue of delegation as early as possible.—GOVERNOR-GENERAL.

* No. 156. † No. 157. ‡ No. 158.

40045

No. 160.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.30 p.m., 12th August, 1921.)

TELEGRAM.

YOUR telegram 9th July*; deprivation and restoration of war medals. Army Council agree that powers of restoring any War Medal forfeited by soldier of Australian Imperial Force under Article 1236 of the Royal Warrant as amended by Army Order 298 of 1920, shall be delegated to Australian Military Board. Understood, however, there is no intention to depart from principles governing restoration of War Medals to soldiers of Imperial Army in so far as applicable. These principles are embodied in Army Council Instruction No. 75 of 1921, a copy of which was enclosed in my despatch of 9th April, Dominions No. 134,† together with explanatory memorandum.—SECRETARY OF STATE FOR THE COLONIES.

46086

No. 161.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.35 p.m., 14th September, 1921.)

TELEGRAM.

[Answered by No. 163.]

14TH SEPTEMBER. Your despatch 9th April, Dominions No. 134.† Delegation to Military Board desired also of the powers of Army Council of forfeiture of War Medals of Australian officers and soldiers under Articles No. 637 (d) and 1236 (c) of Royal Warrant and of restoration of War Medals in case of officers under Article No. 637 A. This delegation essential for purpose of local administration.—GOVERNOR-GENERAL.

48465

No. 162.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 29th September, 1921.)

(No. 137.)

SIR, Government House, St. John's, 15th September, 1921.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 134 of the 9th April last,† on the subject of the forfeiture and restoration of War Medals, and to inform you that my Ministers have the matter under consideration, and as at present advised are proposing to introduce, at the next session of the Legislature, some legislation on the lines suggested in the enclosures to your despatch.

I have, &c.,

C. ALEXANDER HARRIS.

* No. 150.

† No. 157.

53373

No. 163.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 11.0 a.m., 29th October, 1921.)

TELEGRAM.

[Answered by No. 164.]

YOUR telegram of 14th September*; medals. Army Council agreeable to delegation of power of restoration under Article 1236 A to Australian Military Board. Forfeiture of medals by officers under Article 637 (d); as a general rule no officer considered to have forfeited War Medals unless offence for which he was convicted by Civil Power such as to entail dismissal or removal from His Majesty's Military Forces. Army Council state all such cases should therefore be referred to them for consideration. Before expressing opinion in case of restoration of War Medals of officers under Article 637 A, Army Council would be glad to be informed as to principle governing restoration on which Military Board would work. In order to ensure equality of treatment among ex-officers throughout Empire it is considered very necessary that all such cases should be dealt with on similar lines. Intention of Article 637 A was to legalize any action which Army Council might wish to take regarding restoration, but not anticipated that powers under this Article would be exercised except in very exceptional circumstances.

Essence of present regulations regarding forfeiture of medals is that if State retains service of officer or soldier, medals are retained by that individual, and that if State dispenses with his services for misconduct, medals are forfeited. Thus, as a general rule, no restoration of medals can be equitably permitted, except in cases where individual is permitted to enter into fresh contract of service with State who must accept services in full knowledge of all previous circumstances. Power of forfeiture under Article 1236 (c) should be exercised only in cases where soldier is discharged from service on account of conviction by Civil Power.—SECRETARY OF STATE FOR THE COLONIES.

60092

No. 164.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3.5 p.m., 2nd December, 1921.)

TELEGRAM.

[Answered by No. 165.]

2ND DECEMBER. Your telegram 29th October†; medals, reference Article 637 A, Royal Warrant. Some Australian officers forfeit medals on removal service under Article 637 (c), but on subsequent enlistment performed excellent war service in ranks and sometimes again gained commission and killed in action. In such cases restoration desirable, especially if clasp and 1914-1915 Star included in forfeiture. Reference Article 637 (d), officers whose commissions cancelled for Civil convictions are still compelled to continue service in ranks of citizen forces under compulsory provisions of Defence Act. Military Board desires conform any general principles approved for Empire, but considered absolutely essential that Military Board should have all powers of restoration and forfeiture of War Medals, including cases of officers, obviating reference to Army Council of individual cases.—GOVERNOR-GENERAL.

* No. 161.

† No. 163.

62877

No. 165.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.15 p.m., 22nd December, 1921.)

TELEGRAM.

[Answered by No. 166.]

YOUR telegram 2nd December*: medals. Army Council state that in cases where Australian officers have forfeited medals under Article 637 (c), restoration should be approved by Military Board, provided that they subsequently enlisted with approval of Military Authorities cognizant of their previous military careers. With regard to officers who forfeited medals under Article 637 (d) and are still compelled to render service under compulsory provisions of Defence Act, Army Council concur in restoration of War medals previously earned.

As regards general principles essence of present regulations regarding forfeiture and restoration is that if State retains services of officer or soldier, War medals are retained by that individual; see my telegram 29th October.†—SECRETARY OF STATE FOR THE COLONIES.

4044

No. 166.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.0 a.m., 25th January, 1922.)

TELEGRAM.

[Answered by No. 167.]

25TH JANUARY. Your telegram 22nd December‡: medals. Cases given were examples and not complete. Ministers represent that local administration most desirable, and ask consideration of amendment of Royal Warrants to confer on Military Board in relation to Australian Military Forces same discretion as Army Council in forfeiture and restoration of War medals. Royal Warrants already confer local powers of forfeiture and restoration of Meritorious Service Medals, Long Service, Distinguished Conduct Medals and Colonial Auxiliary Forces Officers' Decoration.—GOVERNOR-GENERAL.

20606

No. 167.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.15 p.m., 19th May, 1922.)

TELEGRAM.

YOUR telegram 25th January.§ Army Council have agreed to request of Government of Commonwealth of Australia that powers of forfeiture and restoration of War medals of officers and soldiers of Australian Imperial Force should be delegated to Australian Military Board with exception of power of restoration under Article 637 A. Pay Warrant. Army Council have agreed, however, to this last-mentioned power being delegated to Governor-General. It is considered that Governor-General should be named as authority for this purpose in view of fact that in this country all cases under the Article are submitted to His Majesty the King. Practice has been to confine rigidly restoration of medals under this Article to cases where recipients have rendered meritorious service to State, subsequent to forfeiture of decorations.—SECRETARY OF STATE FOR THE COLONIES.

* No. 164.

† No. 163.

‡ No. 165.

§ No. 166.

(c) Institution of an Imperial General Service Medal.

16835

No. 168.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 169.]

(Canada.	} Dominions No. 111.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,] Downing Street, 5th April, 1922.
I HAVE the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Army Council have had under consideration the question of the award of War medals in commemoration of certain operations which took place after the 11th of November, 1918, the date of the Armistice with Germany.
2. After full consideration, the Council were of opinion that His Majesty the King should be approached with a view to his pleasure being taken to sanction the grant of a new medal, to be entitled the Imperial General Service Medal. A petition to this effect was submitted, and, in so far as the military forces are concerned, has been approved in principle.

3. A draft Army Order* is enclosed, by which the grant of this Imperial General Service Medal is sanctioned, together with the draft of a second Army Order,* by which the eligibility for it of those who participated in certain specified operations is defined. These drafts are marked A and B respectively.

4. The Army Council propose to publish, simultaneously with the above-mentioned Army Orders, a third Army Order,* in which the theatres of war and the closing dates for the award of the Victory Medal will be accurately defined. A draft of this Army Order is enclosed, marked C, and it will be noticed therein that, as regards the Army, the closing date for the Victory Medal has been fixed at the 11th of November, 1918, except for the following operations:—

- (a) Russia, i.e., the geographical area of the pre-War Russian Empire;
- (b) British East Africa, German East Africa, Portuguese East Africa, Rhodesia, Nyasaland and Uganda;
- (c) The second operations in the Chin and Kuki Hills.

5. The extension of the qualifying period for the operations mentioned in the preceding paragraph is justified, in the opinion of the Army Council, in order that, as regards (a) the services of the personnel who participated in the operations in 1919, and of all military missions may be recognized, and that, as regards (b) the fighting which continued in these areas up to the 25th of November, 1918, may be recognized, as already provided in Army Orders 301 and 421 of 1919, and, as regards (c), in view of the recommendation of the Government of India, that the Victory Medal should be awarded for the second phase of the operations in that area.

6. I enclose a fourth draft Army Order,* marked D, which it is proposed to publish, relative to the spheres of operations, entry into which will qualify for the award of the British War Medal.

I have, &c.,

WINSTON S. CHURCHILL.

* Not printed here.

30472

No. 169.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 26th June, 1922.)

(No. 82.)

SIR,

Government House, St. John's, 12th June, 1922.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 111 of the 5th April,* on the subject of the award of War medals in commemoration of certain operations which took place after the 11th of November, 1918, the date of the Armistice with Germany.

2. This is not a matter apparently which directly concerns this Colony, and my Ministers, following the advice of the Chief Staff Officer, consider that no useful purpose would be served by advertising the matter in the local Press, or taking any other action in the matter.

3. A copy of the despatch has been retained in the Department of Militia for further reference should need arise.

I have, &c.,

C. ALEXANDER HARRIS.

AIR.

No correspondence of importance took place during the year 1921-1922 on the subject of Air Defence. For correspondence relating to Air Communications generally, see Dominions No. 83.

CENSORSHIP.

57566

No. 170.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

(Secret.)

Dominions No. 425.)

SIR,

Downing Street, 16th December, 1922.

WITH reference to my predecessor's Secret despatch No. 176 of 28th April, 1920,† covering copy of a report on Cable Censorship during the War, I have the honour to transmit, to be laid before your Ministers, a draft revised scheme of Cable and Radiotelegraphic Censorship‡ for use in time of war or emergency, which has been prepared by the Committee of Imperial Defence. This draft, which has been under consideration for more than two years, is the result of prolonged and careful investigation in the light of experience gained during the Great War. The documents now enclosed in duplicate are:—

(i) Regulations for censorship of Cable, Land-line, and certain Radiotelegraphic communications.

(ii) Regulations for censorship of Radiotelegraphy.

(iii) Memoranda on the action to be taken by His Majesty's Government.

2. I have to explain that as a result of recent improvements in methods of wireless communication and of the paramount importance of Radiotelegraphy in naval warfare, it has been considered desirable to secure closer naval control of this

* No. 168.

† 21482: not printed.

‡ Not printed.

Department of censorship by allowing for the appointment of specially qualified Censors by the Admiralty, or by the Government concerned, to radio stations of naval importance; and to prepare separate regulations.

3. The regulations are not complete in all respects, and have not yet received the final approval of His Majesty's Government. The portion relating to certain Governments, such as those of Ireland and Egypt are still outstanding, owing to some uncertainty with regard to their position at the time when the drafts were being prepared. It would, however, greatly facilitate further progress if your Government would be good enough to give the draft as sent their early consideration, and would forward to me any suggestions they desire to make for its amendment, together with an expression of their general agreement, if, as I trust, the revised scheme meets with their approval.

4. The Memoranda on the action to be taken by His Majesty's Government do not directly concern your Government, but they are enclosed in the hope that they may be of use to Ministers when drawing up similar instructions for use in the Colony.

5. A separate despatch will be addressed to you in due course on the subject of postal censorship.

I have, &c.,

DEVONSHIRE.

८० ३९६६ (१) १०

Dominions

No. 83.

CONFIDENTIAL

CORRESPONDENCE

[1922]

RELATING TO THE

IMPERIAL CONFERENCE, 1911,
IMPERIAL WAR CONFERENCES OF
1917 AND 1918,

AND THE

IMPERIAL MEETINGS, 1921.

(Including certain correspondence in 1921 as to the liability of
Foreign Governments to taxation.)

(In continuation of Dominions No. 73 : continued by Dominions No. 91.)

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II.—Correspondence arising out of the Resolutions of the Imperial War Conference, 1917.

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I. CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL CONFERENCE, 1911.

RESOLUTION I.: CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

(The correspondence arising out of this Resolution is printed in Dominions No. 87).

Serial No., From or to whom. Despatch No., &c., and Date.	Subject and Page No.
RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.	
1922	
1 To the Governor-General New Zealand, 115 ... June 24	Transmits copies of an Order in Council, dated 20th June, applying the Maintenance Order (Facilities for Enforcement) Act to New Zealand, and points out that, as the Imperial Act applies to England and Ireland only, an order made under the New Zealand Act will not be enforceable against a person resident in Scotland 2
2 The Governor-General New Zealand, 228 ... September 1 (Rec. Oct. 16)	Explains that the New Zealand Legislature consciously adopted the policy of making provision for the enforcement in New Zealand of Maintenance Orders wherever made within the British Dominions notwithstanding that no reciprocal legislation existed; encloses copy of the Bill as introduced and an explanatory memorandum drawing attention to this point 8

RESOLUTION XIX.: COMMERCIAL TREATIES.

(The correspondence arising out of this Resolution is printed in Dominions No. 87).

RESOLUTION XXV.: MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

1922	
3 The Governor-General Canada, 14 ... January 12 (Rec. Jan. 24)	Transmits copies of replies from the Provincial Governments, with the exception of Quebec, indicating their attitude regarding reciprocal enforcement of judgments ... 5
4 The Governor-General Canada, 148 ... March 16 (Rec. Mar. 28)	Transmits copy of a despatch from the Lieutenant-Governor of Quebec embodying a Report from the Attorney-General of that Province regarding the proposed application to Canada of Part 2 of the Imperial Administration of Justice Act, 1920 9
5 The Governor-General Union of South Africa, 155 ... April 11 (Rec. May 1)	Transmits Ministers' Minute to the effect that they see no possibility of introducing reciprocal legislation for the enforcement of judgments in the United Kingdom and Oversea Dominions 10
6 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 216 June 28	Transmits copies of the Provisional Rules of the Supreme Court, 1922 11

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
7 The Governor Queensland, 11... June 7 (Rec. July 24)	States that the Acting Premier cannot say at present whether any opportunity will be offered in the coming Session to extend the provisions of Part II. of the Administration of Justice Act, 1920, to Queensland, but that matter will be borne in mind ... 11
8 The Governor-General Canada, 332 ... June 12 (Rec. July 31)	Transmits extract from a despatch from the Lieutenant-Governor of Saskatchewan submitting the views of his Ministers regarding reciprocal legislation with respect to the Administration of Justice Act, 1920 ... 12
9 The Governor New South Wales, 69 August 29 (Rec. Oct. 14)	States that the Attorney-General is arranging for action to be taken regarding reciprocal legislation in connection with the Administration of Justice Act, 1920 ... 13

II.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL WAR CONFERENCE, 1917.

RESOLUTION II.: UNIFORMITY OF EQUIPMENT.

RESOLUTION III.: TRAINING OF ORDNANCE PERSONNEL.

RESOLUTION IV.: NAVAL DEFENCE.

(The correspondence arising out of the above Resolutions is printed with other correspondence as to Naval and Military Defence in Dominions No. 82.)

RESOLUTION V.: TRADE COMMISSIONER SERVICE.

1922	
10 To the Governor-General Canada, 31 ... January 13	Transmits copy of circular addressed to His Majesty's Representatives abroad conveying instructions for facilities and advice to be afforded Canadian Trade Representatives ... 1 5
11 The Governor-General Canada, 17 ... January 17 (Rec. Feb. 6)	Conveys thanks of the Minister of Trade and Commerce for the prompt action taken as regards assistance abroad to Canadian Trade Commissioners ... 17
12 To the Governors-General and Governor Commonwealth of Australia 273, New Zealand 142, Union of South Africa 213, Newfound- land 111 ... August 1	Transmits copy of Circular enclosed in No. 10 with a view to the extension of the facilities so offered to other Dominions ... 17
13 To the Governor-General Canada, 523 ... November 6	Notifies suspension as from 1st September of commercial diplomatic post for Persia and of junior posts for certain countries enumerated. Encloses a revised list of Commercial Diplomatic Officers and enquires whether Ministers would have any objection to the discontinuance of notification by despatch in view of the publication in the Board of Trade Journal of changes in the list ... 18
14 To the Governors-General and Governor Commonwealth of Australia 398, New Zealand 232, Union of South Africa 293, Newfound- land 167 ... November 6	Transmits copy of a revised list of Commercial Diplomatic Officers and enquires whether there would be any objection to the discontinuance of notification by despatch in view of the publication in the Board of Trade Journal of changes in the list ... 18

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
15 The Governor-General New Zealand 265 September 27 (Rec. Nov. 21)	States, in reply to No. 12, that New Zealand Government will gladly avail itself of the services of the Commercial Diplomatic Officers in the countries named and desires to receive copies of publications issued by H.M. Commercial Representatives abroad 19
16 The Governor-General Canada 634 ... November 29 (Rec. Dec. 11)	States, in reply to No. 13, that the Department of Trade would prefer to continue to receive notification by despatch ... 19
17 The Governor Newfoundland 146 December 4 (Rec. Dec. 19)	States, in reply to No. 14, that Ministers have no objection to discontinuance of notification by despatch 19

RESOLUTION VIII.: CARE OF SOLDIERS' GRAVES; and

RESOLUTION XII.: CARE OF SOLDIERS' GRAVES. (See Note on page 20.)

RESOLUTION IX.: CONSTITUTION OF THE EMPIRE. (See Note on page 21.)

RESOLUTION X.: NATURALIZATION. (See Note on page 22.)

RESOLUTION XIII.: IMPERIAL MINERAL RESOURCES BUREAU. (See Note on page 23.)

RESOLUTION XIV.: PRODUCTION OF NAVAL AND MILITARY MATERIAL MUNITIONS AND SUPPLIES.

(The correspondence arising out of this Resolution is printed with other correspondence as to Naval and Military Defence in Dominions No. 82.)

RESOLUTION XV.: DOUBLE INCOME TAX.

1922	
18 To the Governor-General Commonwealth of Australia, Telegram ... April 10	Enquires whether Commonwealth Government agree that Australian taxation year ending 30th June shall be taken as corresponding, for purposes of relief, to United Kingdom year of assessment ending following 5th April ... 25
19 To the Governor Newfoundland, Telegram April 25	Expresses the hope that the question of relief from double income tax will be considered in connexion with any fresh income tax legislation ... 25
20 House of Commons May 8	Question asked by Lieut.-Colonel James as to the abolition of double income tax as between Australia and the United Kingdom, and Mr. Young's reply thereto ... 25
21 The Governor-General Commonwealth of Australia, Telegram ... May 31 (Rec. May 31)	Reports the views and intentions of the Commonwealth Government with regard to the method of calculating rebate in connexion with doubly taxed incomes ... 26
22 The Governor-General Commonwealth of Australia, 186 ... May 2 (Rec. June 12)	Remarks on the question of double taxation and suggests procedure for relief ... 26

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
28 The Lieutenant-Governor South Australia, 20 ... August 28 (Rec. Oct. 4)	States that by reason of the low rates of income tax in South Australia his Ministers are of opinion that there is no need for local legislation giving further relief to taxpayers liable to double income tax beyond that provided by Section 27 of the Finance Act, 1920 ... 80
24 To the Governor-General Commonwealth of Australia, 412 ... November 14	Transmits copy of memorandum by the Board of Inland Revenue containing observations on No. 22 ... 30

RESOLUTION XVII.: CONTROL OF IMPORTS AFTER THE WAR FROM PRESENT ENEMY COUNTRIES.

(See Note on page 66 of Dominions No. 73.)

RESOLUTION XXI.: IMPERIAL PREFERENCE.

1922	
25 The Governor-General Commonwealth of Australia, Telegram ... January 28 (Rec. Jan. 28)	Transmits message from the Prime Minister urging the grant of a preferential tariff on Australian dried fruits, with a view to the settlement of British emigrants on fruit-growing land ... 37
26 To the Governor-General Commonwealth of Australia, Telegram ... March 24	Transmits message for Prime Minister explaining the difficulties which are regarded as rendering it impracticable to grant the preference proposed in No. 25 ... 37

RESOLUTION XXII.: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE SELF-GOVERNING DOMINIONS.

(The correspondence on this subject is printed in Dominions No. 85.)

III.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL WAR CONFERENCE, 1918.

RESOLUTION I.: IMPERIAL WAR GRAVES COMMISSION.

1922	
27 To the Governor-General Commonwealth of Australia, 135 ... March 24	States, with reference to the Governor-General's despatch of the 11th July, 1921, that, pending the result of discussion with the German War Graves Administration, it is considered inadvisable to express any opinion on the question of the care of enemy graves in Australia ... 40

RESOLUTION VIII.: IMPERIAL STATISTICS.

(See Note on page 41.)

RESOLUTION XI.: SHIPPING

and

RESOLUTION XXIV.: SHIPPING.

(See Note on page 42.)

RESOLUTION XII.: INTER-IMPERIAL PARCELS DELIVERY.

1922	
28 The Governor-General Union of South Africa, 46 ... February 8 (Rec. Feb. 28)	Transmits copy of Minute from Ministers explaining their inability to recommend the adoption in the Union at present of the scheme for the proposed Imperial heavy parcel post service ... 43

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
29 The Governor-General New Zealand, 62 ... March 7 (Rec. April 24)	States that Ministers concur in the Imperial heavy parcel post scheme; details governing the working of the scheme will be considered later. Remarks that it would be necessary to restrict the service to the principal towns and adds that his Government regret that they are unable to incur the expense of supplying officers to assess and collect duties in the United Kingdom ... 44
30 The Governor-General Commonwealth of Australia, 245 ... June 14 (Rec. August 5)	States that the Commonwealth Government is unable, under present conditions, to become a party to the Imperial heavy parcels post scheme ... 44

RESOLUTION XIII.: CENTRAL EMIGRATION AUTHORITY.

(Correspondence regarding Empire Settlement is printed in Dominions No. 89.)

RESOLUTION XV.: CHANNELS OF COMMUNICATION.

1922	
31 The Governor-General New Zealand, Secret and Personal ... March 22 (Rec. May 19)	Comments on the practice of sending secret Foreign Office despatches and Cabinet memoranda direct to the Prime Ministers of the Dominions, and urges that either they should be sent through the Governor-General, or that duplicates should be sent to him ... 46
32 The Governor-General Commonwealth of Australia, Private and Personal ... March 16 (Rec. June 24)	States views on the practice of transmitting Foreign Office despatches and Cabinet memoranda direct to the Dominion Prime Ministers, and encloses a copy of a despatch from Sir Ronald Munro-Ferguson (now Viscount Novar) expressing the latter's views ... 47
33 To the Governors-General Commonwealth of Australia, New Zealand, Secret and Personal ... August 19	Expresses the hope that the new arrangement regarding communication of confidential Foreign Office papers will be found satisfactory, and assumes that the utmost care will be taken for their safe custody and ultimate destruction by burning ... 48
34 The Governor-General New Zealand, Secret and Personal ... October 19 (Rec. Dec. 4)	States that the greatest care will be taken to ensure safe custody of confidential Foreign Office despatches, etc. intended for his use, and that they will be destroyed by burning twice a year ... 49
35 Lord Jellicoe to Sir J. Masterton Smith Personal ... October 29 (Rec. Dec. 4)	Protests against recent direct communications between the Secretary of State and Dominion Prime Ministers and comments on the effect of this procedure on the position of Governors-General ... 49
36 The Governor-General New Zealand, Secret and Personal ... October 29 (Rec. Dec. 4)	Ditto ... 50

RESOLUTION XVI.: IMPERIAL MINERAL RESOURCES BUREAU.

1922	
37 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 48 ... February 10	States that in view of the need for economy it is proposed to reduce the contribution of His Majesty's Government to the Imperial Mineral Resources Bureau to £8,000 for 1922-23 ... 52

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
38 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 158 ... May 19	Transmits copies of the Third Annual Report and Statement of Accounts of the Imperial Mineral Resources Bureau, with observations regarding the balance in hand ... 52

RESOLUTION XVIII.: PETROLEUM.

1922	
39 To the Governor-General Commonwealth of Australia, Confidential ... August 11	Remarks upon the unsatisfactory condition of the British Empire in regard to petroleum supplies and the necessity of development of oil-fields, and embodies observations submitted by the Petroleum Department on the Northern Territory Mineral Oil and Coal Ordinance, 1922, and suggests amendment thereto ... 53
40 The Governor-General Commonwealth of Australia, Confidential ... November 13 (Rec. Dec. 28)	States that Commonwealth Government has decided to grant a lease of 640 acres, as a reward area, to holders of mineral oil licences who discover payable mineral oil, in addition to 160 acres provided for by the Mineral Oil and Coal Ordinance, 1922, which will be amended accordingly ... 54

RESOLUTION XIX.: NATURALIZATION.

RESOLUTION XX.: NATIONALITY AND NATURALIZATION.

1922	
41 To the Governor-General Union of South Africa, Telegram ... January 6	Expresses satisfaction at the proposed adoption by the Union Government of Part II. of the Nationality and Status of Aliens Act; but suggests that for reasons stated the amendments proposed in the Secretary of State's despatch of 10th September, 1921, be omitted from the Union Bill. ... 55
42 The Governor-General Commonwealth of Australia, 425 ... December 12, 1921 (Rec. Jan. 21, 1922)	States that the Commonwealth Government offers no objection to the proposed amendments in the Nationality and Status of Aliens draft Bill ... 55
43 The Governor-General New Zealand, 293 December 23, 1921 (Rec. Feb. 18, 1922)	States that the Government of New Zealand approves the draft Nationality and Status of Aliens Bill, but is still unable to agree that it is advisable for New Zealand to adopt Part II., and suggests that the Attorney-General should discuss the question with the Law Officers when he is in London ... 56
44 The Governor-General Union of South Africa, 29 ... January 31 (Rec. Feb. 25)	Transmits, with reference to No. 41, Ministers' Minute agreeing to omit the proposed amendments ... 56
45 To the Governor-General and Governor Canada, Newfoundland, Telegram ... March 4	Requests early reply to Secretary of State's despatch of 10th September, 1921 ... 57
46 The Governor Newfoundland, Telegram April 14 (Rec. Apr. 14)	States that his Ministers propose to introduce Bill providing for the amendment of the Nationality Act 57

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
47 The Governor-General Canada, Telegram ... April 17 (Rec. Apr. 17)	States that Minute of Council was approved on 12th April agreeing to the enactment of a Bill in the form of the draft forwarded in Secretary of State's despatch of 10th September, 1921 ... 57
48 To the Governor Newfoundland, Telegram April 22	Asks that introduction of Bill referred to in No. 46 be deferred until Imperial legislation has been passed 57
49 The Governor-General Canada, 213 ... April 18 (Rec. Apr. 29)	Transmits Privy Council Minute intimating the Canadian Government's agreement in the enactment of the Bill forwarded in the Secretary of State's despatch of 10th September, 1921 ... 58
50 The Governor-General Commonwealth of Australia, 185 ... May 2 (Rec. June 12)	Suggests amendment of the British Nationality Act to provide for restoration of British nationality to deserted British wives of aliens: suggests also that the views of the other Dominions be ascertained ... 58
51 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 246 ... July 22	Transmits copy of the British Nationality and Status of Aliens Bill as introduced ... 60
52 To the Governor-General New Zealand, 153 ... August 14	States that Sir Francis Bell, on learning that the Union Government intend introducing legislation to adopt Part II. of the Act, expressed opinion that a reconsideration of the position of New Zealand was necessary, and expressed the intention of taking up the matter afresh on his return to the Dominion ... 60
53 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 319 ... August 29	Transmits copies of the British Nationality and Status of Aliens Act, 1922 ... 60
54 To the Governor-General Commonwealth of Australia, 334 ... September 19	Agrees that legislation as suggested in No. 50 may be needed, but considers it desirable to await the result of the deliberations of the Select Committee on the British Nationality (Married Women) Bill, copy of which is enclosed. Points out that the effect of the present position on questions such as old age pensions might be dealt with by special provision ... 61
55 To the Governors-General and Governor Canada 456, New Zealand 177, Union of South Africa 258, Newfoundland 189 ... September 19	Transmits copy of Nos. 50 and 54 ... 62
56 The Governor-General Union of South Africa, 571 ... November 2 (Rec. Nov. 29)	Transmits copy of Ministers' Minute noting that a Bill has been introduced into the Imperial Parliament to restore nationality to deserted British-born wives of aliens, and requesting to be informed when it becomes law, as it is the intention to incorporate its provisions in the proposed Union Nationality Bill ... 62
57 The Governor Newfoundland 149 December 5 (Rec. Dec. 19)	States that instructions have been issued for legislation to be drafted in order that the 1918 amendments of the British Nationality and Status of Aliens Act may be adopted ... 63

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
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RESOLUTION XXI: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE DOMINIONS.

(See Note on page 64.)

IV.

IMPERIAL MEETINGS, 1921.

Summary of Proceedings and Documents [Cmd. 1474.]

SECTION VI (a): IMPERIAL DEFENCE—NAVAL.

(See Note on page 65.)

SECTION VII (a): IMPERIAL AIR COMMUNICATIONS.

(1) Proposed Imperial Air Service.

1922

58	The Governor-General Commonwealth of Australia, Telegram ... January 3 (Rec. Jan. 3)	Conveys correction of Parliamentary Resolution communicated in Governor-General's telegram of 13th December, 1921 ... 66
59	To the Governors-General New Zealand, Union of South Africa, Telegram January 5	Communicates correction conveyed in No. 58 ... 66
60	The Governor-General Union of South Africa, Telegram ... January 6 (Rec. Jan. 7)	States that for reasons given Ministers do not feel warranted in placing any proposal for expenditure in connexion with air communication before the forthcoming Session of Parliament ... 66
61	To the Governors-General Commonwealth of Australia, New Zealand, Telegram ... January 9	Communicates purport of No. 60 ... 67
62	To the Governor-General Commonwealth of Australia, Telegram ... March 8	Transmits message for Commonwealth Prime Minister explaining that, as it appears unlikely that the Imperial airship scheme can materialize, the Air Council are arranging to hand over airships, airship establishments and material to Disposal Commission 67
63	To the Governors-General New Zealand, Union of South Africa, Telegram March 9	Communicates message in No. 62 ... 67

(2) Civil Aviation Advisory Board.

1922

64	To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 3 ... January 4	Reports decision to dissolve the Civil Aviation Standing Advisory Committee and to set up the Civil Aviation Advisory Board. States terms of reference and composition of the Board, and suggests that it be given power to call into consultation Dominion representative when occasion arises. If Ministers concur, requests nomination of representative ... 68
65	To the Governors-General Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... January 6	Conveys substance of No. 64 ... 69
66	The Governor-General Canada, Telegram January 23 (Rec. Jan. 23)	States that Air Board concurs in suggestion in No. 64, but unable to nominate representative in Great Britain at present. Observes that questions may arise with United States, rendering it advisable to send representative from Canada. Requests that proceedings of Board may be communicated to his Government ... 69

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1922

67	The Governor-General Union of South Africa, Telegram ... January 25 (Rec. Jan. 25)	Concurs in formation of Board, and states that the High Commissioner will represent the Union should occasion arise ... 69
68	The Governor Newfoundland, Telegram January 31 (Rec. Feb. 1)	States, in reply to No. 64, that Ministers nominate High Commissioner, or, as an alternative, Secretary to High Commissioner ... 70
69	The Governor-General Commonwealth of Australia, Telegram February 1 (Rec. Feb. 1)	States that his Government nominates Squadron Leader E. Harrison, official representative in London of Australian Air Service, to represent Australia on the Board ... 70
70	The Governor-General New Zealand, Telegram February 7 (Rec. Feb. 7)	States that his Government does not desire to appoint permanent representative, but suggests that High Commissioner be consulted when occasion arises ... 70
71	To the Governor-General Canada, 148 ... March 18	Explains the impracticability of forwarding proceedings of the Board, but will transmit unpublished reports ... 70

SECTION VII (b): IMPERIAL WIRELESS SCHEME.

1922

72	The Governor-General Union of South Africa, Telegram ... January 8 (Rec. Jan. 8)	States that the Union Government agrees to the visit of technical experts and undertakes to waive Customs duties on any apparatus accompanying them ... 72
73	To the Governor-General Union of South Africa, 17 ... January 13	Expresses appreciation of the arrangements made in connexion with the visit of Commander Watson and Major Ward to carry out wireless tests ... 72
74	To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 44 ... February 4	Transmits copies of the Report of the Wireless Telegraphy Commission ... 72
75	To the Governor-General Canada 80 ... February 18	Draws attention to the recommendation of the Wireless Commission that the Canadian Government should be invited to confer with the Commission on the Wireless scheme; enquires whether Ministers concur in the proposal and, if so, whom they would desire to nominate ... 73
76	To the Governor-General Canada, Secret February 18	Invites attention to previous correspondence showing that the Canadian Government were prepared in 1920 to discuss proposals relating to wireless communication ... 73
77	To the Governor-General Commonwealth of Australia, Telegram, Private and Personal ... March 25	Requests information respecting Press report of an impending agreement between the Commonwealth Government and the Amalgamated Wireless Co. for direct wireless communication with Great Britain ... 74
78	The Governor-General Commonwealth of Australia, Telegram, Private and Personal ... April 1 (Rec. Apr. 1)	States that agreement with Amalgamated Wireless Co. was signed before receipt of No. 77, and that the Prime Minister affirms that the Imperial Conference gave full liberty of action to Australia ... 74
79	To the Governor-General Commonwealth of Australia, Telegram ... April 8	Requests telegraphic information as to whether the terms of the agreement with the Amalgamated Wireless Co. as signed differ from the published draft, and, if so, in what respects ... 74

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
80 The Governor-General Commonwealth of Australia, Telegram ... April 11 (Rec. Apr. 11)	States, in reply to No. 79, that many new clauses are included in the signed agreement rendering telegraphing inexpedient. A copy is being sent by mail ... 74
81 The Governor-General Canada, 180... ... March 28 (Rec. Apr. 15)	Suggests postponement of the technical Conference until the autumn if it is decided to hold the International Radio-telegraph Conference then, and names Canadian representative ... 75
82 The Governor-General Union of South Africa, Telegram ... April 24 (Rec. Apr. 25)	States that the Marconi Wireless Co. has offered to construct a station in South Africa at its own expense, but Ministers desire views of His Majesty's Government before proceeding in the matter ... 75
83 To the Governor-General Canada, 249 ... May 18	Suggests that as the International Radio-telegraph Conference will probably not take place until the spring of 1923 the Canadian representatives should proceed to England at a convenient date after the close of the Dominion Parliament ... 76
84 The Governor-General Union of South Africa, Confidential ... April 27 (Rec. May 16)	Transmits copy of Ministers' Minute requesting views of His Majesty's Government regarding the proposal submitted by the Marconi Co. for direct communication ... 76
85 The Governor-General Commonwealth of Australia, 161 ... April 11 (Rec. May 26)	Transmits copies of the agreement of the 28th March, 1922, between the Commonwealth Government and the Amalgamated Wireless (Australasia) Ltd. ... 77
86 The Governor-General Union of South Africa, Telegram ... June 28 (Rec. June 28)	Requests telegraphic reply to No. 82 as soon as possible 78
87 To the Governor-General Union of South Africa, Telegram, Confidential July 1	States that delay in replying to No. 82 has been caused by the receipt of recent communications from India and Australia necessitating the review of arrangements for the Imperial Wireless Chain and the consideration of certain modifications recommended ... 78
88 The Governor-General Union of South Africa, Telegram ... July 7 (Rec. July 7)	Reports the present position of negotiations with the Marconi Co. for the erection of a station in South Africa, and requests early information respecting the revision of Imperial proposals so that the Union Government can decide between the Imperial Chain and the Marconi proposals ... 78
89 To the Governors-General Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... July 14	Communicates statement by the Postmaster-General in the House of Commons relative to the decision of His Majesty's Government regarding the Imperial Wireless Chain ... 79
90 To the Governors-General Commonwealth of Australia, Union of South Africa, Telegram ... July 14	States, with reference to No. 89, that an explanatory telegram follows ... 79
91 To the Governor-General Union of South Africa, Telegram, Confidential July 14	Summarizes developments in Australia and India in connexion with Imperial Wireless Chain, and outlines main points of policy decided upon by His Majesty's Government. Discusses amount of traffic possible with different types of stations ... 79
92 To the Governor-General Commonwealth of Australia, Telegram Confidential July 17	States policy decided upon by His Majesty's Government in connexion with Imperial Wireless Chain, and gives particulars of various stations to be erected ... 81

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page.
1922	
93 To the Governor-General and Governor Canada 369, Newfoundland 106 ... July 26	Transmits copy of the Hansard Report of a statement by the Postmaster-General in the House of Commons relative to the decision of His Majesty's Government respecting the Imperial Wireless Chain ... 82
94 To the Governors-General and Governor Canada, New Zealand, Newfoundland, Confidential July 26	Summarizes developments in Australia, India and South Africa in connexion with the Imperial Wireless Chain, and outlines main points of policy decided upon by His Majesty's Government ... 82
95 The Governor-General New Zealand, Telegram August 1 (Rec. Aug. 1)	States that a proposal by the London Radio Communications Co. for the installation of a high-power wireless station is being considered, and inquires whether such proposal is incompatible with the Imperial Wireless Chain scheme ... 83
96 To the Governor-General New Zealand, Telegram August 5	States that reply to No. 95 will be sent as soon as possible ... 84
97 The Governor-General Union of South Africa, Confidential (S), Extract July 21 (Rec. Aug. 8)	Reports on the debate on Wireless in which General Smuts created the impression that he was in favour of the Marconi Co.'s proposals, and obtained permission for the decision to be left to the Government ... 84
98 The Governor-General Union of South Africa, Telegram, Confidential August 9 (Rec. Aug. 9)	States that, for reasons given, Union Government favours a private station working under Government control rates, etc., and requests telegraphic advice as to conditions and clauses it would be advisable to insert in an agreement ... 84
99 The Governor-General Canada, Telegram ... August 16 (Rec. Aug. 16)	States that the Canadian Government does not feel justified at present time in embarking on any capital expenditure in connexion with the high-power trans-Atlantic station, and adds that in consequence the proposed visit of Canadian representatives to England will be postponed indefinitely ... 85
100 To the Governor-General Union of South Africa, Telegram, Confidential August 23	Submits certain points for consideration regarding the erection of a wireless station in South Africa ... 85
101 The Governor-General Union of South Africa, Confidential (2) ... August 9 (Rec. Aug. 29)	Transmits, in confirmation of No. 98, copy of Ministers' Minute stating that they are in favour of a private station working under Government control, and requesting advice regarding the preparation of an agreement ... 86
102 To the Governor-General New Zealand, Telegram September 2	States that the Postmaster-General doubts whether a station in New Zealand of the power of Bordeaux is at present necessary, and suggests that consideration of the matter be deferred pending development of the Commonwealth scheme and decision of the Union Government ... 87
103 To the Governor-General Canada, Telegram September 4	Expresses the hope that, in view of reasons given, the Canadian Government will reconsider decision in No. 99 ... 88
104 The Governor-General Union of South Africa, Telegram ... September 9 (Rec. Sept. 9)	Reports that, subject to ratification by the Union Parliament, an agreement has been entered into with the Marconi Co. for the erection of a wireless station which embodies provisions in accordance with suggestions in No. 100 ... 88
105 The Governor-General Canada, Telegram September 11 (Rec. Sept. 11)	States that his Government do not feel able for the time being to participate in the Imperial Wireless Chain ... 89

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
106 The Governor-General Canada, Telegram September 13 (Rec. Sept. 13)	Submits Ministers' suggestion that representations respecting the decision of the Canadian Government with regard to the Imperial Wireless Chain might be made to Mr. Lapointe when he is in London on his return from Geneva ... 89
107 The Governor-General Commonwealth of Australia, 307 ... August 3 (Rec. Sept. 19)	Transmits copy of a despatch to the Viceroy of India communicating certain proposals by the Amalgamated Wireless (Australasia) Ltd. for the erection of a wireless station in India ... 89
108 The Governor-General New Zealand, Telegram September 30 (Rec. Sept. 30)	States that Ministers do not favour development of existing service with Australia as part of the Imperial Chain, but are impressed with the desirability of a station capable of direct communication with any part of the world ... 91
109 The Governor-General Union of South Africa, Confidential ... September 12 (Rec. Oct. 4)	Transmits, in confirmation of No. 104, copy of Ministers' Minute in connexion with agreement entered into with the Marconi Company ... 91
110 The Governor-General Union of South Africa, 340 ... October 18 (Rec. Nov. 7)	Transmits copy of Ministers' Minute forwarding copy of an agreement between the Union Government and the Marconi Co. for the erection of a long-distance wireless station in South Africa ... 92
111 To the Governor-General New Zealand, 239 November 8	Transmits copy of an agreement between the Government of the Union of South Africa and the Marconi Co. for the erection of a long-distance wireless station in the Union ... 93

CORRESPONDENCE WITH THE GOVERNMENT OF NEWFOUNDLAND RELATIVE TO WIRELESS AND CABLE COMMUNICATION.

1922	
112 To the Governor Telegram ... June 27	States that introduction of night letter service at 3d. a word is contemplated in August if Ministers will support Imperial cables by co-operating in giving Imperial route unordered trans-Atlantic traffic, and suggests a proviso to be added to Clause 5 ... 93
113 To the Governor Confidential ... June 29	Communicates letter from Mr. F. J. Brown, of the General Post Office, to Mr. W. F. Conker, Minister of Marine and Fisheries, on the subject of linking up the Port-aux-Basque cable with Halifax and using the Imperial cable for Newfoundland traffic ... 94
114 The Governor 94 ... July 8 (Rec. July 20)	States that, for reasons given, proviso suggested in No. 112 cannot be arranged, and remarks upon a statement by the Prime Minister as to the difficulty experienced in collecting the cable tax in respect of the Harbour Grace Cable ... 94
115 The Acting Governor Confidential ... September 4 (Rec. Sept. 25)	Transmits copy of a letter from the Deputy Colonial Secretary reporting the conclusion of an agreement with the Commercial Cable Co. for sale of Port-aux-Basques cable and of a satisfactory arrangement made for passage of Newfoundland traffic ... 95

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
SECTION VII (c) : IMPERIAL COMMUNICATIONS (SHIPPING). (See under Resolutions XI. and XXIV. of the Imperial War Conference, 1918 (<i>supra</i>).)	
SECTION VII (d) : IMPERIAL COMMUNICATIONS (WIRELESS TELEPHONY).	

1922	
116 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 168, Confidential... May 30	Transmits copy of the first Report on Radio-Telephony and communicates certain suggestions submitted by the Postmaster-General for consideration of the Subcommittee ... 97
117 The Deputy Governor-General Canada, Confidential July 6 (Rec. July 17)	States that the Department of Naval Service would be glad to receive details of any radio-telephone investigations carried out ... 97
118 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 281, Confidential ... August 11	Transmits copies of report on Radio-Telephony, and observes that, as the Report has now been published as a Parliamentary Paper, it is no longer confidential 98

SECTION X. : EMPIRE SETTLEMENT AND MIGRATION.

(See Dominions No. 89.)

SECTION XI. : EMPIRE PATENT.

1922	
119 The Governor-General Union of South Africa, 804 ... December 30, 1921 (Rec. Jan. 24, 1922)	Transmits copy of Ministers' Minute agreeing to the suggested date of the Empire Patent Conference and nominating Mr. C. W. T. B. Juta as the Union representative ... 100
120 The Governor Newfoundland, 24 January 31 (Rec. Feb. 25)	States, in reply to Secretary of State's despatch of 24th November, 1921, that Ministers have no objection to the date suggested, but do not desire to send a representative, and suggest that reference be made to the High Commissioner if occasion arises ... 100
121 The Governor-General Canada, 52 ... February 6 (Rec. Feb. 25)	States, in reply to the Secretary of State's despatch of 24th November, 1921, that it has been decided not to send a representative to the proposed Conference ... 101
122 The Governor-General Commonwealth of Australia, Telegram ... March 11 (Rec. Mar. 11)	Reports appointment of Mr. R. G. Ferguson as Commonwealth representative at proposed Patent Conference. Requests urgent advice whether proposed date has been altered, and states that postponement until 15th May, 1922, would be welcomed by Commonwealth ... 101
123 To the Governors-General Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... March 16	States that unless Ministers desire to withdraw in view of non-representation of Canada and Newfoundland it is proposed to hold Conference but to postpone date to 12th June ... 101
124 The Governor-General Commonwealth of Australia, Telegram ... March 23 (Rec. Mar. 23)	States that his Government concurs in proposal to hold Conference on 12th June ... 102

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
125 The Governor-General New Zealand, Telegram March 23 (Rec. Mar. 28)	States that Ministers agree to meeting of Conference about 12th June and have appointed Mr. Lewis, Registrar of Patents, as New Zealand representative 102
126 The Governor-General Union of South Africa, Telegram ... April 3 (Rec. Apr. 4)	States that Ministers have no enthusiasm for Conference, but are prepared to ask head of Union Patent Office, who will be on leave in London, to attend, provided the remaining Dominions are anxious to proceed ... 102
127 To the Governor-General Canada, Telegram ... April 6	Indicates position with regard to representation at the Conference; states that date has been postponed to 12th June, and urges reconsideration of decision in No. 121 ... 102
128 The Governor-General Canada, Telegram ... April 21 (Rec. Apr. 23)	States, in reply to No. 127, that the question has been reconsidered, and that Mr. W. J. Lynch, Chief of Patent Office, has been appointed to represent Canada ... 103
129 To the Governors-General and Governor Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 950 ... August 18	Transmits copies of the Report of the British Empire Patent Conference, and enquires whether Ministers will be prepared to accept the "Provisional Scheme" for the registration of patents granted in the United Kingdom outlined on pages 12-18 of the Report, and to make any necessary provision in their respective Patent laws for giving effect to it. ... 103
130 The Deputy Governor-General Canada, 553 ... October 14 (Rec. Oct. 30)	States that the Canadian Government is not prepared to accept the "Provisional Scheme" referred to in No. 129, in view of the absence of reciprocal provision ... 103
131 The Governor-General New Zealand 294 ... October 24 (Rec. Dec. 4)	States that the "Provisional Scheme" is receiving favourable consideration ... 104
132 The Governor-General Union of South Africa, 619 ... November 22 (Rec. Dec. 12)	Transmits copy of Ministers' Minute stating that they think it necessary to let the proposals contained in the Report of the British Empire Patents Conference stand over for the present, and inquiring which of the other Dominion Governments accept the "Provisional Scheme" ... 104

SECTION XII.: NATIONALITY.

(See under Resolutions XIX and XX of the Imperial War Conference, 1918 (*supra*).)

SECTION XIII.: CONDOMINIUM IN THE NEW HEBRIDES.

1922	
133 To the Governors-General Commonwealth of Australia 202, New Zealand 100 ... May 29	States that Protocol respecting New Hebrides having been ratified with effect from the 18th March will shortly be laid before Parliament, and copies will be forwarded. Question of re-opening the Joint Court and other matters form subject of correspondence between His Majesty's Government and the French Government ... 106

V.

PUBLICATION OF PROCEEDINGS.

1922	
134 The Governor-General Canada, Telegram, Secret May 11 (Rec. May 12)	Requests concurrence of His Majesty's Government in publication of certain correspondence relating to Prime Minister's Conference, 1921, and the Anglo-Japanese Alliance ... 107

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
135 House of Commons June 14	Questions raised by Mr. Hurd as to the publication of a full report of the proceedings of the Imperial Conferences of 1917 and 1918, and Mr. Chamberlain's replies ... 107
136 The Governor-General Canada, Telegram ... June 20 (Rec. June 20)	Requests immediate reply to inquiries in No. 134 ... 108
137 To the Governor-General Canada, Telegram ... June 21	Transmits views of Prime Minister to Prime Minister on the question of publication of confidential proceedings of the 1917 and 1918 Imperial Conferences ... 108
138 To the Governors-General Commonwealth of Australia, New Zealand, Union of South Africa, Telegram ... June 22	Repeats, for communication to Prime Ministers, Prime Minister's reply to Canadian Prime Minister's request to be in a position to lay before his Parliament certain correspondence relating to Imperial Meetings and Conference ... 110
139 To the Governor Newfoundland, Confidential June 24	Ditto ... 110
140 The Governor-General New Zealand, Telegram June 24 (Rec. June 24)	States that the New Zealand Government strongly agrees that question of publication is one for decision of the Conference itself ... 111
141 Viscount Peel (Secretary of State for India) to Mr. Winston Churchill (Extract) ... June 26	Suggests that the Viceroy should be sent a copy of No. 137 by mail, and states that any question of publication would naturally be dealt with in the light of this telegram ... 111
142 To the Governors-General Canada, Union of South Africa, Commonwealth of Australia, Telegram June 30	Repeats No. 140 for information of Prime Minister ... 111
143 The Governor-General Union of South Africa, Telegram ... June 30 (Rec. June 30)	Transmits message from his Prime Minister for Mr. Lloyd George concurring in terms of reply to No. 134 but expressing doubt as to the wisdom of publishing the message ... 112
144 To the Governors-General Canada, Commonwealth of Australia, New Zealand, Telegram ... July 4	Transmits No. 143 for communication to Prime Minister 112
145 House of Commons July 10	Questions raised by Mr. Hurd as to whether certain papers submitted to the Imperial Conferences of 1917 and 1918 should be published, and the Prime Minister's replies ... 112
146 The Governor-General Commonwealth of Australia, Telegram ... July 10 (Rec. July 10)	Transmits message from Prime Minister emphatically protesting against publication of proceedings of Conference except as agreed by Empire Representatives 113
147 To the Governors-General Canada, Union of South Africa, New Zealand, Telegram ... July 12	Repeats No. 146 for communication to Prime Minister 113

VI.

VALIDITY OF INTERNATIONAL MARRIAGES.

1922	
148 The Governor-General Commonwealth of Australia, 381 ... October 4 (Rec. Nov. 10)	Suggests the desirability of discussing at an Imperial Conference the question of an international arrangement to provide for the validity of marriages between British subjects and foreigners ... 114

LIABILITY OF FOREIGN GOVERNMENTS TO TAXATION.

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1921	
149 The United States Ambassador to Secretary of State for Foreign Affairs 714 ... December 29, 1920 (Rec. Jan. 13, 1921)	Draws attention to assessment by Governments of New Zealand, India, and the Straits Settlements of income and excess profits taxes upon earnings of vessels operated by United States Shipping Board; gives certain details regarding exemptions accorded by United States to foreign Governments, and requests that investigations may be made with a view to reciprocal treatment ... 115
150 The Secretary of State for Foreign Affairs to the United States Ambassador January 11	States, in reply to No. 149, that the matter is being referred to the Governments and Departments concerned, and that some time must elapse before an answer can be given ... 116
151 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 166, Confidential April 26	Transmits, for observations, copies of No. 149 and suggests that for the present the Governments concerned should refrain, in doubtful cases, from any act tending to prejudice their rights ... 117
152 The Governor Newfoundland, Confidential June 24 (Rec. July 12)	Transmits copy of letter from the Assessor of Taxes from which it appears that, as no ships of the United States Shipping Board have paid or are likely to pay tax on earnings in Newfoundland, further action seems unnecessary ... 117
153 The Governor-General New Zealand, Confidential July 4 (Rec. Aug. 16)	Transmits copy of memorandum from the Acting Prime Minister stating that no distinction is made between Dominion or foreign Governments and a private trader with regard to assessment of income tax, and that it is proposed to retain tax in case of "Western Comet" and to continue to collect tax in similar cases ... 118
154 The Governor Western Australia Confidential ... August 23 (Rec. Sept. 29)	States that as the laws of Western Australia do not provide for assessing a Government, but only companies, firms, or private owners, there is no danger of the rights of British or Colonial Governments being prejudiced in this State ... 119
155 The Governor Queensland, 24 ... August 20 (Rec. Oct. 10)	States that no Income Tax or Excess Profits Duty on vessels operated by United States Shipping Board has been levied by the Queensland Government ... 119
156 The Governor South Australia, Confidential (1) ... August 29 (Rec. Oct. 10)	Transmits Memorandum by the Commissioner of Taxes regarding the taxation of earnings of vessels owned by the United States Shipping Board ... 120
157 The Deputy Governor-General Union of South Africa, Confidential ... September 29 (Rec. Oct. 18)	Transmits Ministers' Minute stating reasons why it is considered that there is a liability under Union tax laws in respect of the operations of vessels owned or controlled by the United States Shipping Board ... 120
158 The Governor-General Commonwealth of Australia, Confidential September 18 (Rec. Oct. 29)	States the view taken by the Commonwealth Government that no corporation or undertaking owned by a foreign Government is subject to income tax imposed by the Commonwealth. Observes that Commonwealth Commissioner of Taxation is unable to supply details of any cases ... 121
159 The Governor Tasmania, 41 ... November 12 (Rec. Dec. 28)	Transmits copy of letter from Premier with the opinion of the Solicitor-General that the United States, in respect of any shipping business in which it might engage in Tasmania, would, as a foreign corporate body, be assessable for income tax, although no power exists under which such tax could be recoverable by civil process 122

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1921	
160 The Lieutenant-Governor New South Wales Confidential ... November 4 (Rec. Dec. 29)	States that the Crown Solicitor is of opinion that the United States Shipping Board may legally be assessed under the Income Tax Acts of New South Wales in respect of its operations in the State ... 122
1922	
161 To the Governor-General Union of South Africa, Telegram ... May 23	Enquires whether Ministers have any objection to publication of their Minute of 20th September (enclosure in No. 157) ... 123
162 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Confidential, Dominions 180 June 7	Transmits, for observations, copies of report on liability of Dominion and foreign Governments to United Kingdom taxation ... 123
163 The British Ambassador Washington, to the Secretary of State for Foreign Affairs 608 ... May 20 (Rec. June 16)	Reports on the decisions handed down by the United States Supreme Court concerning the legal position of the United States Shipping Board Emergency Fleet Corporation, especially as regards liability of the Board's vessels to taxation ... 123
164 The Governor-General Canada, Confidential ... June 9 (Rec. June 20)	Encloses copy of a letter from Department for External Affairs concerning assessment for Income Tax and Excess Profits Duty of earnings of vessels operated by the United States Shipping Board under existing legislation ... 124
165 The Governor-General Union of South Africa, Telegram ... June 20 (Rec. June 20)	States that Ministers have no objection to publication of their Minute of 20th September (enclosure in No. 157) ... 125
166 The Governor Victoria, 15 ... May 17 (Rec. June 23)	States, in reply to No. 151, that no cases have occurred lately, and, as it is understood that the United States Shipping Board is going out of business, Ministers consider action unnecessary ... 125
167 To the Governors-General and Governors Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Dominions 217, Confidential June 29	Transmits copy of No. 163 ... 126
168 The Governor-General New Zealand, Confidential August 14 (Rec. Sept. 20)	Approves recommendations of the Committee on Taxation as regards Government trading within the Empire and the contemplated negotiations with foreign Governments for the conclusion of reciprocal agreements ... 126
169 The Lieutenant-Governor South Australia, Confidential September 4 (Rec. Oct. 14)	States that the proposals embodied in the Report on United Kingdom Taxation meet with the approval of his Government ... 127

CORRESPONDENCE

[1922]

RELATING TO THE

IMPERIAL CONFERENCE, 1911,
IMPERIAL WAR CONFERENCES
of 1917 and 1918,

AND THE

IMPERIAL MEETINGS, 1921.

(Including certain Correspondence in 1921 as to the liability of
Foreign Governments to Taxation.)

I.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF
THE IMPERIAL CONFERENCE, 1911.

RESOLUTION I: CONSULTATION OF DOMINIONS AS TO
INTERNATIONAL AGREEMENTS AFFECTING THEM.

That this Conference after hearing the Secretary of State for Foreign Affairs cordially welcomes the proposals of the Imperial Government, viz.: (a) that the Dominions shall be afforded the opportunity of consultation when framing the instructions to be given to British delegates at future meetings of the Hague Conference, and that Conventions affecting the Dominions provisionally assented to at that Conference shall be circulated among the Dominion Governments for their consideration before any such Convention is signed; (b) that a similar procedure where time and opportunity and the subject matter permit shall, as far as possible, be used when preparing instructions for the negotiation of other International Agreements affecting the Dominions.

Secretariat Note.—The correspondence arising out of this Resolution is printed in Dominions No. 87.

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Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
170 The Lieutenant-Governor South Australia, Confidential September 7 (Rec. Oct. 14)	States that a copy of No. 163 has been laid before Ministers and filed in the Crown Solicitor's Office ... 127
171 The Governor-General Union of South Africa, Confidential ... November 8 (Rec. Nov. 29)	Transmits copy of Ministers' Minute commenting on the report enclosed in No. 162 and recommending adop- tion of proposals made therein ... 127
172 The Governor New South Wales, Confidential November 2 (Rec. Dec. 8)	States that his Ministers see no objection to the prin- ciples embodied in report enclosed in No. 162 ... 128
Appendix. Letter dated the 31st July, 1922, from the Pacific Cable Board to the High Commissioners for Canada, the Commonwealth of Australia, and New Zealand, on the subject of the proposed duplication of the Pacific Cable	... 129

RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

That, in order to secure justice and protection for wives and children who have been deserted by their legal guardians either in the United Kingdom or any of the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons.

(See pages 2-24 of *Dominions No. 73.*)

29667

No. 1.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 2.]

(No. 115.)

MY LORD,

Downing Street, 24th June, 1922.

WITH reference to Your Excellency's despatch, No. 88 of the 3rd of April,* I have the honour to transmit to you, for the information of your Ministers, one sealed and six plain copies of an Order in Council of the 20th of June, applying the Maintenance Orders (Facilities for Enforcement) Act, 1920, to the Dominion of New Zealand.

2. This Order in Council has been issued consequent upon the passing of the New Zealand Maintenance Orders (Facilities for Enforcement) Act, (No. 20 of 1921); but I should be glad if you would invite the attention of your Ministers to one material point in which that Act departs from the scheme of the Imperial Act, viz., that it refers throughout to the United Kingdom, whereas the Imperial Act applies to England and Ireland only.

3. Since Scotland, therefore, lies outside the scheme of the Imperial Act, it follows that it will not be possible for any provisional order made under section 4 of the New Zealand Act against a person resident in Scotland, to be enforced in that country.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 1.

AT THE COURT AT BUCKINGHAM PALACE.

THE 20TH DAY OF JUNE, 1922.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Maintenance Orders (Facilities for Enforcement) Act, 1920, provision has been made for the enforcement in England and Ireland of maintenance orders made by a Court in any part of His Majesty's Dominions outside the United Kingdom to which the said Act extends:

And whereas by the said Act it is amongst other things provided that where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of maintenance orders made by Courts within England and Ireland, His Majesty may by Order in Council extend the said Act to that part, and thereupon that part shall become a part of His Majesty's Dominions to which the said Act extends:

And whereas His Majesty is satisfied that the Legislature of the part of His Majesty's Dominions outside the United Kingdom hereinafter mentioned has made reciprocal provisions for the enforcement within that part of maintenance orders made by Courts within England and Ireland:

* 23671 not printed; it forwarded copy of Act No. 20 of 1921.

Now, Therefore, His Majesty, by virtue and in exercise of the powers of the above recited Act in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

The Maintenance Orders (Facilities for Enforcement) Act, 1920, shall apply to the part of His Majesty's Dominions outside the United Kingdom hereunder mentioned:—

THE DOMINION OF NEW ZEALAND.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.
ALMERIC FITZROY.

51445

No. 2.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th October, 1922.)

(No. 228.)

SIR,

Government House, Wellington, 1st September, 1922.

WITH reference to your despatch, No. 115, of the 24th June,* relative to the Maintenance Orders (Facilities for Enforcement) Acts, I have the honour to inform you that my Government have duly noted the fact that, owing to the application of the Imperial Act to England and Ireland only, any provisional Order made under Section 4 of the New Zealand Act against a person resident in Scotland will not be enforceable in that country.

2. My Ministers advise me that in passing the New Zealand Act, the legislature consciously adopted the policy of making provision for the enforcement in New Zealand of Maintenance Orders wherever made within the British Dominions, notwithstanding that reciprocal provision may not be made for the enforcement of like orders made in New Zealand. This extension of the scope of the Act is in conformity with the earlier policy as expressed in Section 80 of the Destitute Persons Act, 1910.

3. An Order made in Scotland against a person resident in New Zealand will accordingly be enforceable in New Zealand, notwithstanding the absence of reciprocity on the part of Scotland.

4. A copy of the Bill,† as introduced into the New Zealand Parliament, with an explanatory memorandum drawing attention to the divergence from the Imperial Act, is enclosed.

I have, &c.,

JELLICOE,

Governor-General.

Secretariat Note.—Reciprocal legislation having been passed by the Parliaments of Western Australia (Act No. 27 of 1921) and Tasmania (Act No. 40 of 1921), the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920, were extended to those States by Order in Council of the 21st April, 1922.

New South Wales hoped to pass necessary legislation in 1923.

Union of South Africa: Bill introduced for the 1923 Session.

No further communication from Newfoundland or South Australia.

* No. 1. † Bill 10 (Act No. 20 of 1921).

RESOLUTION XIX.: COMMERCIAL TREATIES.

That His Majesty's Government be requested to open negotiations with the several Foreign Governments having commercial treaties which apply to the Overseas Dominions, with a view to securing liberty for any of those Dominions which may so desire to withdraw from the operation of the Treaty without impairing the Treaty in respect of the rest of the Empire.

Secretariat Note.—The correspondence arising out of this Resolution is printed in Dominions No. 87.

RESOLUTION XXV.: MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

That the Imperial Government should consider in concert with the Dominion Governments whether, and to what extent, and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of judgments and orders of the Courts of Justice in another part, including judgments or orders for the enforcement of Commercial Arbitration Awards.

(See pages 26-34 of Dominions No. 73.)

3806

No. 3.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24th January, 1922.)

(No. 14.)

SIR,

Government House, Ottawa, 12th January, 1922.

WITH reference to your despatch No. 49 of the 24th January, 1921,* on the subject of the application to Canada of Part 2 of the Imperial Administration of Justice Act, 1920, I have the honour to transmit, herewith, copies of the replies received from the several Provinces, with the exception of Quebec, indicating the attitude which they severally adopt in regard to this matter.

Further correspondence on the subject with the Province of Quebec has been necessary, but it is hoped soon to be in a position to furnish a reply from this Province also.

I have, &c.,
BYNG OF VIMY.

Enclosure 1 in No. 3.

SIR,

Toronto, 15th July, 1921.

REFERRING to your despatches of 15th February, 10th March, and 10th June, 1921, on the subject of The Administration of Justice Act, 1920, I beg to advise that my Ministers have under consideration the advisability of submitting to the Legislative Assembly for the Province of Ontario, at its next Session, a Bill embodying provisions reciprocal to those of the above-mentioned Act.

I have, &c.,
L. H. CLARKE,
Lieutenant-Governor.

The Honourable

The Secretary of State,
Ottawa, Ontario.

Enclosure 2 in No. 3.

SIR,

Lieutenant-Governor's Office, St. John, N.B., 31st December, 1921.

HAVING further reference to your despatch of the 16th of September last calling my attention to Departmental despatches of 15th February and 10th June last on the subject of Imperial Administration of Justice Act, 1920, I have now the honour to forward to you a certified copy of an Order in Council, which was passed on the 13th inst. undertaking to promote legislation at the next session of the Legislative Assembly, providing for the reciprocal enforcement of judgments in the United Kingdom and in the Province of New Brunswick.

I have, &c.,
WILLIAM PUGSLEY,
Lieutenant-Governor.

To the Honourable

The Secretary of State,
Ottawa.

* No. 87 in Dominions No. 73.

THE HONOURABLE THE ATTORNEY-GENERAL REPORTS FOR THE INFORMATION OF THE COMMITTEE OF THE EXECUTIVE COUNCIL:

That he has carefully considered the Imperial Departmental despatch on the subject of the Administration of Justice Act, 1920, of the Imperial Parliament and the enactment of reciprocal legislation with respect thereto;

That he has carefully examined Part II of the said Administration of Justice Act, 1920, providing for the reciprocal enforcement of judgments of courts of the United Kingdom and other parts of His Majesty's dominions.

That he can see no objection to legislation being passed providing for reciprocal enforcement of judgments in the United Kingdom and in this Province.

The Honourable the Attorney-General therefore recommends that His Honour the Lieutenant-Governor-in-Council undertake to promote legislation at the next session of the Legislative Assembly of this Province, providing for the reciprocal enforcement of judgments in the United Kingdom and in the Province of New Brunswick.

And His Honour the Lieutenant-Governor and the Committee of the Executive Council concurring in said report and recommendation.

IT IS ACCORDINGLY SO ORDERED.

Certified passed 13th December, 1921.

M. B. DIXON,
Clerk, Executive Council.

Enclosure 3 in No. 3.

SIR, Halifax, 7th October, 1921.
I HAVE the honour to refer to your correspondence on the subject of Imperial Administration of Justice Act, 1920.

The same was referred to the Government, and on the advice of the Department of the Attorney-General I am to say that this matter was given careful consideration at the recent conference of Commissioners on Uniformity of Legislation in Canada, held in Ottawa, and the consensus of opinion was that if an Act on the subject were to be passed by the several Provinces of Canada it should provide that a judgment obtained outside the Province would not be registered within the Province until notice of the application to register were given to the judgment debtor and he had an opportunity of being heard. The Commissioners still have this matter under consideration, particularly with a view to the reciprocal enforcement of judgments between the various Provinces. The Commissioners felt that before dealing with the matter of reciprocal enforcement of judgments within the whole Empire it would be well first to have the experience of the reciprocal enforcement of judgments between the various Provinces.

The view of the Department of the Attorney-General is that if a judgment obtained outside of Nova Scotia is not to be registered *ex parte* within Nova Scotia, then the proposed procedure for registering the judgment would be no more expeditious or less expensive, indeed it might be more expensive than bringing an action on the judgment, and that the procedure by action and the enforcement of the judgment obtained therein would be simpler than the procedure suggested.

I have, &c.,
MACALLUM GRANT,
Lieutenant-Governor.

The Under-Secretary of State,
Ottawa.

Enclosure 4 in No. 3.

SIR, Charlottetown, P. E. I., 30th June, 1921.
WITH further regard to your communication of the 17th inst. re "Legal proceedings between parties in the United Kingdom and parties abroad, and the enforcement of judgments and awards," I am to-day in receipt of the action of my Ministers in the matter, and beg to enclose you herewith the same and regret the delay in the matter.

I have, &c.,
M. MACKINNON,
Lieutenant-Governor.

To the Honourable
The Secretary of State,
Ottawa.

SIR, Charlottetown, P. E. I., 24th June, 1921.
REPLYING to your letter of 17th inst., and to a previous letter of 21st March, 1921, respecting legal proceedings between parties in the United Kingdom and parties abroad and the enforcing of judgments and awards, I may say that we have no law specially bearing on the subject.

My Ministers will endeavour to meet your views and to have the necessary legislation passed at the next session of the Legislature.

Faithfully yours,
JOHN H. BELL,
Premier.

To His Honour
The Lieutenant-Governor,
Charlottetown, P. E. Island.

Enclosure 5 in No. 3.

DEAR SIR, Winnipeg, 2nd August, 1921.
REVERTING to departmental despatch of the 10th June last on the subject of the Administration of Justice Act, 1920, of the Imperial Parliament and the enactment of reciprocal legislation with respect thereto, I am advised by my Government that no recommendation covering this matter has been made by the Board of Commissioners for the Promotion of Uniformity of Legislation in Canada, although there has, it is understood, been some discussion in regard thereto, but that until such time as this Board does make a recommendation, it would appear inadvisable for this Province to take any action by itself. I am further advised that in the meantime the matter will be further considered by my Government and by its law officers so that the necessary action can be taken when the Board of Commissioners above referred to has made its recommendation.

Yours truly,
J. A. M. ATKINS,
Lieutenant-Governor.

The Honourable the Acting Secretary of State,
Ottawa.

Enclosure 6 in No. 3.

SIR, At Government House, Victoria, B.C., 2nd August, 1921.
IN reply to your letter of the 10th June last on the subject of the Administration of Justice Act, 1920, of the Imperial Parliament and the enactment of reciprocal legislation with respect thereto, I have the honour to enclose herewith copy of a communication from my Provincial Secretary stating the views of my Government in this connexion.

I have, &c.,
W. C. NICHOL,
Lieutenant-Governor.

The Under-Secretary of State,
Ottawa.

SIR, Victoria, 25th July, 1921.
REPLY to your memorandum dated 21st February ult., and respecting "Reciprocal Enforcement of Judgments within the Empire," I have to advise His Honour as follows:—

This matter has had the consideration of the Government, and it has been found that the question of reciprocal enforcement of judgments within the Empire has been under advisement by the Conference of Commissioners on Uniformity of Legislation in Canada. This Conference at its last Session referred the question to the Prince Edward Island Commissioners to draft a model Act and report at the next sitting of the Conference. This will be held in Ottawa early in September prox.

In view of this the Government is advised by its Legal Department that it would be well to withhold action on this matter until it can have the advantage of the recommendation which may be made by the Conference looking toward the uniformity of legislation throughout all the Provinces.

If this course is acceptable to His Honour the file can be placed in the hands of the Provincial Commissioners before they leave for Ottawa to attend the next Conference.

H. J. S. Muskett, Esq.,
Private Secretary,
Government House,
Victoria, B. C.

I have, &c.,
J. D. MacLEAN,
Provincial Secretary.

Enclosure 7 in No. 3.

SIR,
I HAVE the honour to acknowledge receipt of your despatch 415 dated the 10th instant in which you invite my attention to departmental despatch of the 15th of February last on the subject of the Administration of Justice Act, 1920, of the Imperial Parliament and the enactment of reciprocal legislation with respect thereto, and requesting to be informed whether my Ministers have yet reached a decision in regard to this matter.

I have the honour to inform you that I am advised that this matter is receiving the earnest consideration of my Ministers and that a copy of the above Act has been referred to the Legislative Council of this Province, and that the matter of the reciprocal enforcement of judgments in the United Kingdom and in the other parts of His Majesty's Dominions, being Part II of the said Act, has been referred to the committee of the Canadian Bar Association on uniform legislation and law reform, for their consideration and a recommendation as to whether united or any action should be taken by the Provinces of the Dominion of Canada in passing similar legislation in the various Provinces.

I am further advised that should any legislation be enacted by the Province of Saskatchewan a copy of the Statute will be forwarded to you in due course.

The Honourable
The Secretary of State,
Ottawa, Ontario.

I have, &c.,
H. W. NEWLANDS,
Lieutenant-Governor of Saskatchewan.

Enclosure 8 in No. 3.

SIR,
In further reference to your despatch of 14th February last, in which you asked for information on the subject of the conduct of legal proceedings between parties in the United Kingdom, and parties abroad, and the enforcement of judgments and awards, I have the honour to transmit herewith a letter which was received by the Honourable the Provincial Secretary from the Solicitor to the Attorney-General, which is self-explanatory.

Thos. Mulvey, Esq.,
Under-Secretary of State,
Ottawa.

I have, &c.,
R. G. BRETT,
Lieutenant-Governor.

DEAR SIR,
REFERRING to a despatch forwarded through His Excellency the Governor-General, and to His Honour the Lieutenant-Governor of Alberta, referring to the enacting of reciprocal legislation with respect to the enforcement of judgments in the United Kingdom and other parts of His Majesty's dominions: I am instructed by Mr. Boyle to state that this matter is under consideration, and that the Government may introduce legislation next session, as suggested by the British Government.

Your obedient servant,
IRVING B. ROWATT,
Solicitor to the Attorney-General's Dept.

Hon. J. L. Côté,
Provincial Secretary,
Buildings.

14684

No. 4.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 23th March, 1922.)

(No. 148.)

SIR,

Government House, Ottawa, 16th March, 1922.

WITH further reference to my despatch No. 14 of the 12th January,* enclosing copies of replies received from the Canadian Provinces regarding the proposed application to Canada of Part 2 of the Imperial Administration of Justice Act, 1920, I have the honour to transmit, herewith, a copy of a despatch received from the Lieutenant-Governor of Quebec embodying a report in the matter from his Attorney-General.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 4.

(1672/20.)

MONSIEUR,

Québec, 1er mars, 1922.

J'AI l'honneur pour faire suite à votre dépêche, No. 415 en date du 12 janvier, 1922, de vous transmettre le rapport suivant du procureur-général de mon gouvernement :—

"Par une lettre en date du 12 janvier, 1922, le Secrétaire d'Etat du Canada transmet à son Honneur le Lieutenant-Gouverneur de la Province de Québec, copie d'une loi impériale dont l'objet est de permettre l'enregistrement et l'exécution dans le Royaume Uni des jugements des cours de justice des diverses possessions britanniques. Il s'agit des articles 9-14 du statut impérial 10-11 George V. Ch. 81. Les dispositions de ces articles sont contenues dans la partie 2 du statut impérial intitulé 'Reciprocal enforcement of judgments in the United Kingdom and in other parts of His Majesty's Dominions.' Le Secrétaire d'Etat informe le Lieutenant-Gouverneur que c'est le désir des autorités impériales qu'une législation réciproque soit adoptée par les législatures des provinces canadiennes afin de permettre aux résidents du Royaume Uni de rendre exécutoire en Canada, sous certaines conditions, les jugements qu'ils ont obtenus des tribunaux de leurs pays.

Voici en substance les dispositions de la loi que la législature de Québec devrait adopter, si elle décide d'accéder à la demande des autorités impériales à ce sujet :

(1) Sur requête d'une personne qui a obtenu jugement d'une cour supérieure dans le Royaume Uni de la grande Bretagne et d'Irlande, la Cour Supérieure de cette province, s'il lui est démontré que cette personne a intérêt que tel jugement soit exécutoire dans la province, peut ordonner que ce jugement soit enregistré dans le registre des jugements de la cour :

(2) La requête doit être présentée dans les douze mois de la date du jugement, à moins que la cour, pour des raisons qui lui appartient d'apprécier, n'accorde un plus long délai.

(3) La demande d'enregistrement doit être refusée s'il est démontré

(a) Que la cour qui a rendu le jugement n'avait pas juridiction, ou

(b) Que le défendeur ne résidait pas ordinairement et ne faisait pas affaires dans le territoire de la juridiction de la cour, et qu'il n'a pas volontairement comparu à l'assignation ou qu'il n'a pas accepté la juridiction de la cour, ou

(c) Que le défendeur n'a pas été assigné régulièrement, ou

(d) Que le jugement a été obtenu par fraude, ou

(e) Que le défendeur en a appelé du jugement ou qu'il a droit et se propose d'en appeler, ou

(f) Que pour des raisons d'ordre public ou d'autres semblables, la cause d'action n'aurait pas été reconnue par les cours de justice de la province.

(4) L'enregistrement d'un jugement en vertu de la présente loi produit les effets suivants.

(a) A compter de la date de l'enregistrement, le jugement a la même force et les mêmes effets et est exécutoire de même que s'il avait été rendu par la cour qui en a ordonné l'enregistrement.

(b) La cour qui a ordonné l'enregistrement a, sur le jugement enregistré, le même contrôle et la même juridiction qu'elle possède à l'égard des jugements qu'elle a rendus elle-même, mais seulement en ce qui concerne l'exécution du jugement en vertu de la présente loi.

(c) Les frais des procédures d'enregistrement, y compris le coût de la copie de jugement et les frais de la requête, sont recouvrables de même que le montant du en vertu du jugement.

(5) Les juges de la cour supérieure peuvent faire des règles de pratique pour les objets suivants :—

(a) Pour la signification au défendeur de l'avis de l'enregistrement d'un jugement en vertu de la présente loi.

(b) Pour autoriser la cour à révoquer ou annuler l'enregistrement sur requête du défendeur, aux conditions qu'elle jugera convenables.

(c) Pour fixer le délai pendant lequel l'exécution des jugements enregistrés en vertu de la présente loi, sera suspendue afin de permettre au défendeur de demander la révocation de l'enregistrement.

(6) Dans toute action intentée devant une cour de la province sur un jugement qui aurait pu être enregistré en vertu de la présente loi, le demandeur n'a droit, à aucun frais sur cette action à moins qu'une requête pour l'enregistrement de ce jugement ne lui ait été antérieurement refusée ou que la cour n'en décide autrement.

(7) Des règles de pratique nécessaires à la mise à exécution de la présente loi peuvent être faites par la cour supérieure.

Le tarif de la cour supérieure s'applique aux procédures prises en vertu de la présente loi.

Il y aurait lieu probablement d'ajouter à cette loi les dispositions suivantes pour établir la juridiction de la cour supérieure dans chaque district, ainsi que les règles concernant l'assignation du défendeurs—

La requête doit être présentée à la cour supérieure du domicile ou du lieu de résidence ou de la place d'affaires du défendeur, ou s'il n'a dans la province ni domicile ni résidence, ni place d'affaires, à la cour supérieure du district dans lequel sont situés ses biens, en tout ou en partie, ou dans lequel ses créances sont exigibles.

La requête avec un avis du jour et du lieu de sa présentation doit être signifiée au défendeur. Les dispositions du code de procédure civile, relatives à la signification des brefs d'assignation s'appliquent à la signification de cette requête *mutatis mutandis*.

Actuellement les jugements rendus hors du Canada ne deviennent exécutoires dans la province qu'en vertu d'un nouveau jugement rendu par nos cours de justice. Les copies des jugements des cours étrangères font preuve de leur contenu (C. C. 1220), mais le défendeur peut opposer à l'action, basée sur ce jugement tous les moyens de défense qu'il a ou qu'il aurait pu opposer à l'action originaire (C. P. C. 210).

L'article 210 du code de procédures civiles devra être amené en y ajoutant au commencement ou à la fin : "sauf les dispositions de la loi concernant les jugements rendus par les tribunaux du Royaume Uni de la Grande Bretagne et d'Irlande."

J'ai, &c.,

C. FITZPATRICK,
Lieutenant-Gouverneur.

L'honorable Secrétaire d'Etat,
Ottawa.

20437

No. 5.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st May, 1922.)

(No. 155.)

SIR,

Governor-General's Office, Cape Town, 11th April, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 82 of the 6th March, 1922,* copy of a Minute No. 257, dated 6th April, 1922,

* 7531: reminder: not printed.

from Ministers, on the subject of reciprocal legislation for the enforcement of judgments in the United Kingdom and Oversea Dominions.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 5.

(Minute No. 257.)

Prime Minister's Office, 6th April, 1922.

MINISTERS have the honour to acknowledge His Royal Highness's Minute No. 48/1253 of the 29th March, covering despatch No. 82 of the 6th March, from the Secretary of State relative to reciprocal legislation for the enforcement of judgments in the United Kingdom and Oversea Dominions.

While Ministers are in sympathy with the objects which would be effected by such legislation, and hope during a future session to be able to introduce it into Parliament, they see no possibility, owing to the state of public business, of being able to induce the Union Parliament to pass such legislation in the near future.

J. C. SMUTS.

29823

No. 6.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNORS.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

(New South Wales.

(Victoria.

(Queensland.

(South Australia.

(Western Australia.

(Tasmania.

Dominions No. 216.)

[MY LORD.] [SIR,]

Downing Street, 28th June, 1922.

With reference to my predecessor's despatch No. [49] [47] [23] [30] [17] [7] [3] [4] [28] [4] [7] of the 24th of January, 1921,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, copies of the Provisional Rules of the Supreme Court (Administration of Justice Act, Part II), 1922, dated the 29th of May, 1922.

I have, &c.,

WINSTON S. CHURCHILL.

35855

No. 7.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 24th July, 1922.)

(No. 11.)

SIR,

Government House, Brisbane, 7th June, 1922.

With reference to your despatch No. 32 of the 6th March last,† accompanied by copies of Order-in-Council extending the provisions of Part II of the Administration of Justice Act, 1920, to certain Colonies, Dependencies and Protectorates, I have the honour to report that the Acting Premier informs me that he is not in

* No. 37 in Dominions No. 73.

† Not printed here.

‡ 7531: reminder: not printed.

a position at present to state whether any opportunity will be offered in the coming session of Parliament to extend the provisions to Queensland, but that sight will not be lost of the matter.

2. I have not sent a copy of this despatch to His Excellency the Governor-General.

I have, &c.,

MATTHEW NATHAN,
Governor.

37369

No. 8.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st July, 1922.)

(No. 332.)

SIR,

Government House, Ottawa, 12th June, 1922.

With reference to your despatch No. 548 of the 11th October, 1921,* regarding the case of James Thompson and John Thomas Wood, who had deserted their wives and children in Scotland, I have the honour to transmit, herewith, a copy of a despatch from the Lieutenant-Governor of Saskatchewan, reporting the views of his Ministers in regard to the action possible to be taken in such cases.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 8.

The Colonial Office despatch No. 548 dated the 11th of October, 1921, a copy of which accompanied your despatch, refers to the desirability of passing reciprocal legislation under the Maintenance Orders (Facilities for Enforcement) Act, 1920, in the Canadian Provinces. With reference to this matter the question of enacting uniform laws in the Canadian Provinces has been under the consideration of the Commissioners on Uniformity of Legislation in Canada, by whom the following resolution was passed:—

"Resolved, that this Conference after considering the Imperial Act, 1920, relating to the reciprocal enforcement of judgments throughout the Empire, and the draft Model Act based thereon prepared for the Conference by the Prince Edward Islands Commissioners, is of opinion that it would be advisable both as tending to the proper working out of the principle and to its ultimate adoption throughout Canada, for the several provinces of Canada to first establish as between themselves a reciprocal enactment of this nature before attempting to enter into such a relation with the other parts of the Empire:

"And further resolved, that the committee of the Conference now in charge of the drafting of a Model Act for the reciprocal enforcement of judgments as between the provinces communicate with the Parliamentary Counsel's Office, or other proper authority in England, and point out certain difficulties of construction which appear to be in the present Imperial Act, and the principles as to notice to the Judgment debtor which have been approved by this Conference with reference to reciprocal enforcement of judgments as between the Provinces."

It is probable, therefore, that the correspondence as a result of this resolution may be on file in the Office of the Parliamentary Counsel of the Imperial Government explaining the reasons for the position taken by the Commissioners.

* 48159: not printed. For substance see Enclosure in No. 8.

51129

No. 9.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 14th October, 1922.)

(No. 69.)

SIR,

Government House, Sydney, 29th August, 1922.

With reference to your despatch No. 10 of the 6th March,* and subsequent correspondence, regarding the Administration of Justice Act, 1920, and in which you express the hope that this Government will pass reciprocal legislation at an early date, I have the honour, at the request of Ministers, to state that the matter is now in the hands of the Attorney-General, who is arranging for action to be taken in the desired direction.

I have, &c.,

W. E. DAVIDSON,
Governor.

Secretariat Note.—Reciprocal legislation having been passed by the Parliament of Western Australia (Act No. 20 of 1921), Part II of the Administration of Justice Act, 1920, was extended to that State by Order in Council of 6th February, 1922 (7331/22 Dominions).

A list of Colonies and Protectorates to which Part II of the Act has been extended by Order in Council, is contained in 62633/22 Dominions.

* 7531: reminder; not printed.

II.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF
THE IMPERIAL WAR CONFERENCE, 1917.

RESOLUTION II.: UNIFORMITY OF EQUIPMENT.

That this Conference, recognizing the importance of assimilating as far as possible the military stores and equipment of the Imperial forces throughout the Empire, recommends that an expert Committee representative of the military authorities of the United Kingdom, the Dominions, and India be appointed as early as possible to consider the various patterns in use with a view to selecting standard patterns for general adoption as far as the special circumstances of each country admit.

RESOLUTION III.: TRAINING OF ORDNANCE PERSONNEL.

This Conference is of opinion that it is desirable that the ordnance personnel of the military organizations of the Empire should, as far as possible, be trained on the same methods and according to the same principles, and that to secure this end selected officers of the ordnance service from all parts of the Empire should be attached for adequate periods to the Imperial Ordnance Department.

RESOLUTION IV.: NAVAL DEFENCE.

That the Admiralty be requested to work out immediately after the conclusion of the War what they consider the most effective scheme of Naval Defence for the Empire for the consideration of the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary in that respect for the Empire's future security.

Secretariat Note.—The correspondence arising out of the above Resolutions is printed with other correspondence as to Naval and Military Defence in Dominions No. 82.

RESOLUTION V.: TRADE COMMISSIONER SERVICE.

That the Imperial War Conference welcomes the proposed increase of the Board of Trade service of Trade Commissioners and its extension throughout the British Empire in accordance with the recommendations of the Dominions Royal Commission, and recommends that the Governments concerned should co-operate so as to make that service as useful as possible to the Empire as a whole, especially for the promotion of Inter-Imperial Trade.

(See pages 36-39 of Dominions No. 73.)

803

No. 10.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 31.)

MY LORD,

Downing Street, 13th January, 1922.

WITH reference to my despatch No. 730 of the 30th December,* I have the honour to transmit to Your Excellency for the information of your Ministers, a copy of a Circular despatch addressed to His Majesty's Representatives abroad, on the subject of more intimate relations between Commercial Diplomatic Officers and the Dominion of Canada.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 10.

(Reference: F.G./809.)

(Overseas Trade Circular.)

(Confidential.)

Department of Overseas Trade (Development and Intelligence),
Old Queen Street, London, S.W.1, 30th December, 1921.

SIR, I HAVE to inform you that, at the request of the Government of Canada, I have decided to extend to Commercial Diplomatic Officers the arrangement made for the establishment of more intimate relations between the British Consular Service and the Dominion of Canada as described in Circular No. 328/13, Commercial, of the 11th January, 1913, a copy of which is enclosed with this despatch.

2. The terms of the above-mentioned Circular as far as the words "subject in each individual case" in the fourth line of paragraph 3 are therefore applicable to Commercial Diplomatic Officers.

3. Under this arrangement Canadian exporters and Canadian Trade Commissioners will in future be at liberty to apply to Commercial Diplomatic Officers for the same assistance and advice which they have hitherto been entitled to receive from Consular Officers.

4. So far as office accommodation is concerned, the Canadian Government are, however, being informed that Commercial Diplomatic Officers are as a rule stationed in the Embassy or Legation, and that in their case, therefore, there is not likely to be the same opportunity of affording office accommodation for Canadian Government commercial representatives as in the case of His Majesty's Consulates.

5. I request that you will be good enough to bring the contents of this Circular to the notice of any Commercial Diplomatic Officers under your jurisdiction, and for this purpose extra copies are enclosed for distribution.

I am, &c.,
(For the Secretary of State),
W. H. CLARK.

His Majesty's Representative
at

* No. 44a in Dominions No. 73.

REPRINT OF COMMERCIAL CIRCULAR (328/13).

SIR,

Foreign Office, 11th January, 1913.

1. THE Honourable E. Foster, Canadian Minister of Trade and Commerce, when recently on a visit to this country, consulted with His Majesty's Government respecting an arrangement to be made for the establishment of more intimate relations between the British Consular Service and the Dominion of Canada so as to assist the trade and commerce of the Dominion with foreign countries.

2. As a result of these consultations the following scheme has been drawn up:—

(1.) The Department of Trade and Commerce of Canada will be furnished by His Majesty's Government with any reasonable number of copies of all Trade Reports from the Far East, and from any other district which the Dominion Government may specify, as soon as they are published.

(2.) Any Canadian firms will be at liberty to apply direct to any of His Majesty's Consuls for information as to possibilities of sale of Canadian products, the method under which business is conducted, and the best means of getting into touch with markets. They will receive all possible assistance in this matter, subject to the condition laid down in the Report of the Canadian Minister of Trade and Commerce that the Consuls are primarily commissioned to serve the trade of the United Kingdom. The Canadian Department of Trade and Commerce will be supplied from time to time with lists of His Majesty's Consular Representatives in the Far East and in other districts in which they are interested.

(3.) Canadian Trade Commissioners will be at liberty to apply to His Majesty's Consuls for advice and assistance.

(4.) Should the Canadian Government desire that office room should be afforded in British Consulates for Canadian Commercial Representatives, no objection would be raised in principle. Each case will, however, be considered on its own merits and be a matter of arrangement between His Majesty's Government and Canada, dependent on the needs and convenience of the Consular Office. When such accommodation is granted, it is understood that the Consular Officer assumes no responsibility for the direction or work of the Canadian Representative.

3. The arrangement whereby office room for Canadian Commercial Representatives at His Majesty's Consulates will be provided is intended to be merely a tentative one applying to a very restricted number of ports, and special instructions will be given on the subject in each individual case.

4. In addition to the above arrangement with the Canadian Government, the Governments of other of His Majesty's Oversea Dominions have recently been authorized to supply certain Consuls with their handbooks and other printed matter concerning their country, so as to place the Consuls in a better position to reply to intending emigrants and others seeking for information.

5. His Majesty's Consular Officers in the United States who do not already receive them are to be supplied with copies of the existing tariffs in all the Self-Governing Dominions.

6. As regards the general question of direct correspondence between His Majesty's Consular Officers and the Governments of the Dominions, Colonies, and India, His Majesty's Government have no desire to put any unnecessary obstacles in the way of such communication whenever there would be a distinct saving of time by adopting such a course. Nevertheless, whenever the special circumstances of the case make it necessary for a Dominion or Colonial Government or the Government of India to apply to a Consul direct, instead of through the medium of His Majesty's Government, it is very desirable—and the Governments concerned have been so informed—that such application should as a general rule be made by this Government itself, and not by the local or provincial authorities. His Majesty's Consular Officers have at the same time been instructed to forward in future in every case to the Commercial Intelligence Branch of the Board of Trade a duplicate of any replies which may be returned to inquiries from the Governments of local authorities of the Self-Governing Dominions, Colonies and India.

7. Similarly, in furnishing information to private individuals resident in the Dominions, Colonies or India, His Majesty's Consular Officers have been instructed to forward their letters under flying seal in original to the Commercial Intelligence Branch of the Board of Trade, except in cases where undue delay

would be caused by adopting such a course. In the latter event a duplicate of the reply is in all cases to be sent to the Commercial Intelligence Branch of the Board of Trade with a notification to the effect that the original reply has been forwarded direct to save time.

I am, &c.,
(For the Secretary of State),
ALGERNON LAW.

5602

No. 11.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6th February, 1922.)

(No. 17.)

SIR,

Government House, Ottawa, 17th January, 1922.

WITH reference to your despatch No. 730, of the 30th December,* intimating the kind compliance of the Secretary of State for Foreign Affairs with the request of the Canadian Government that His Majesty's Commercial Diplomatic Officers should be instructed to afford to Canadian Trade Commissioners the same assistance and advice which they have hitherto been entitled to receive from Consular Officers, I have been asked to convey to His Majesty's Government the thanks of the Minister of Trade and Commerce for the prompt action in the matter.

I have, &c.,
BYNG OF VIMY.

27771

No. 12.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 15.]

(Commonwealth of Australia. No. 273.)

(New Zealand. No. 142.)

(Union of South Africa. No. 213.)

(Newfoundland. No. 111.)

[MY LORD,] [SIR,]

Downing Street, 1st August, 1922.

WITH reference to the late Viscount Harcourt's despatch [No. 534] [378] [603] [254] of the 13th of December, 1912,† and subsequent correspondence, I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, copies of an "Overseas Trade" Circular despatch‡ addressed to His Majesty's representatives abroad on the subject of more intimate relations between Commercial Diplomatic Officers and the Dominion of Canada.

2. His Majesty's Government think that this despatch will be of interest to your Ministers; and they would be ready, if so desired, to consider the extension of the arrangements explained therein to [the Commonwealth of Australia] [New Zealand] [the Union of South Africa] [Newfoundland].

3. The latest available list of Commercial Diplomatic Officers abroad is enclosed herewith.§

I have, &c.,
WINSTON S. CHURCHILL.

* No. 44a in Dominions No. 73. † 36896: not printed; it enclosed a copy of a Foreign Office despatch in the sense of paragraphs 1 to 3 of Circular of 11th January, 1913 (sub-enclosure in No. 10).
‡ Enclosure in No. 10. § Not printed; periodical lists are printed in the *Board of Trade Journal*.

51478

No. 13.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 16.]

(No. 523.)

MY LORD,

Downing Street, 6th November, 1922.

WITH reference to my predecessor's despatch No. 213 of the 26th of April,* I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government have decided to suspend the Commercial Diplomatic post for Persia. The post was closed on the 1st of September, and inquiries of a commercial nature should in future be addressed to His Majesty's Vice-Consul, British Legation, Tehran.

2. The following junior posts have also been suspended in the countries enumerated below where the senior posts are being retained:—

Argentine, Commercial Secretary (Grade III).

Belgium, Commercial Secretary (Grade III).

Brazil, Commercial Secretary (Grade III).

Spain, Commercial Secretary (Grade III).

United States, Commercial Secretary (Grade III).

3. I enclose a revised list† of Commercial Diplomatic Officers in substitution for that forwarded in my predecessor's despatch No. 730 of the 30th of December, 1921.‡

4. Changes in the Commercial Diplomatic Service are regularly notified in the *Board of Trade Journal*, and a complete up-to-date list of officers is published in the *Journal* every few weeks. As it is understood that copies of the *Journal* are supplied regularly to the Canadian Government from the Board of Trade, it is thought that it may be unnecessary to communicate in future, by despatch, changes in the list, unless your Ministers specially desire it.

I should be glad to know whether they would have any objection to the notification of such changes by despatch being discontinued.

I have, &c.,

DEVONSHIRE.

51478

No. 14.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 17.]

(Commonwealth of Australia. No. 398.)

(New Zealand. No. 232.)

(Union of South Africa. No. 293.)

(Newfoundland. No. 167.)

[MY LORD,] [SIR,]

Downing Street, 6th November, 1922.

WITH reference to my predecessor's despatch No. [273] [142] [213] [111] of the 1st of August,§ I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a revised list of Commercial Diplomatic Officers.

2. Changes in the Commercial Diplomatic Service are regularly notified in the *Board of Trade Journal*, and a complete up-to-date list is published in the *Journal* every few weeks. As it is understood that copies of the *Journal* are supplied regularly to the [Commonwealth Government] [New Zealand Government] [Union Government] [Government of Newfoundland] from the Board of Trade, it is thought that it may be unnecessary to communicate in future by despatch changes in the list unless your Ministers specially desire it. I should be glad to learn whether they would have any objection to the notification of such changes by despatch being discontinued.

I have, &c.,

DEVONSHIRE.

* 18947: not printed; it notified the suspension of Commercial Diplomatic posts in Morocco and Chile.
† Not printed.
‡ No. 44a in Dominions No. 73.
§ No. 12.

57367

No. 15.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st November, 1922.)

(No. 265.)

SIR,

Government House, Wellington, 27th September, 1922.

WITH reference to your despatch, No. 142, of the 1st August,* I have the honour to inform you that my Government much appreciate the offer of the assistance of officers of the Department of Overseas Trade in certain European and other foreign countries.

2. As regards inquiries with European countries, my Ministers state that these are generally conducted through the High Commissioner for New Zealand in London, and it is therefore probable that little call will be made upon the services of Overseas Officers on the Continent, but in respect of the United States of America, Argentine, Brazil, China, Japan, and the Netherlands East Indies, the Government of New Zealand will be glad to avail itself of the services of the Commercial Diplomatic Officers.

3. Particular value will be placed by my Government on the publications issued by His Majesty's Commercial Representatives abroad, and it is suggested that where these publications are not already sent, an instruction may be given for their despatch to New Zealand.

I have, &c.,

JELLICOE,

Governor-General.

61292

No. 16.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th December, 1922.)

(No. 634.)

MY LORD DUKE,

Government House, Ottawa, 29th November, 1922.

WITH reference to Your Grace's despatch No. 523 of the 6th instant,† regarding notification of changes in the Commercial Diplomatic Service, I have the honour to inform you that the Department of Trade and Commerce would prefer to receive, as formerly, notice of changes in the Commercial Diplomatic Service by despatch, as this list is continually used by their Commercial Intelligence Service as a reference, and if not revised from time to time in connexion with changes made, would inconvenience that Department to some extent.

I have, &c.,

BYNG OF VIMY.

62494

No. 17.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19th December, 1922.)

(No. 146.)

MY LORD DUKE,

Government House, St. John's, 4th December, 1922.

I HAVE the honour to acknowledge the receipt of your despatch No. 167 of the 6th ultimo,‡ on the subject of changes in the Commercial Diplomatic Service, and to inform you that my Ministers have no objection to offer to the discontinuation of the notification by despatch of any change in the list of such officers.

I have, &c.,

W. L. ALLARDYCE.

* No. 12.

† No. 13.

‡ No. 14.

RESOLUTION VIII.: CARE OF SOLDIERS' GRAVES.

The Conference, having considered the Minute addressed to the Prime Minister on the 15th March, 1917, by His Royal Highness the Prince of Wales, concurs in the proposals made therein, and humbly prays His Majesty to constitute by Royal Charter an Imperial War Graves Commission for the purposes stated by His Royal Highness, and along the lines therein set forth as embodied in the draft charter submitted to the Conference. The Conference places on record its very deep appreciation of the generous action of the French Government in allotting in perpetuity the land in that country where our men are buried, and urges that similar arrangements should be made, if possible, in the terms of peace with all Governments—Ally, Enemy, or Neutral—for a similar concession in Gallipoli, Mesopotamia, Africa, and all other theatres of war. The Conference desires to record its grateful appreciation of the work already done by the Prince of Wales and his Committee in caring for the graves of those who have fallen in the common cause of the Empire, and its satisfaction that His Royal Highness has consented to become the President of the permanent Commission

and

RESOLUTION XII.: CARE OF SOLDIERS' GRAVES.

That the Imperial War Graves Commission be requested as soon as possible after their appointment and organization to prepare an estimate of the probable cost of carrying on the work entrusted to them and to submit the same to the Governments of the United Kingdom and Oversea Dominions with their recommendation as to the proportion that should be borne by each.

Secretariat Note.—For further correspondence arising out of the above Resolutions see under Resolution I of the 1918 Conference (page 40 of this volume).

RESOLUTION IX.: CONSTITUTION OF THE EMPIRE.

The Imperial War Conference are of opinion that the readjustment of the constitutional relations of the component parts of the Empire is too important and intricate a subject to be dealt with during the War, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities.

They deem it their duty, however, to place on record their view that any such readjustment, while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth and of India as an important portion of the same; should recognize the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations; and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine.

Secretariat Note.—Correspondence on various Constitutional questions is contained in Dominions No. 66.

RESOLUTION X.: NATURALIZATION.

The Conference recognizes the desirability and importance of securing uniformity of policy and action throughout the Empire with regard to naturalization.

It is resolved that the proposals set forth in the Memorandum submitted by the Home Office be commended to the consideration of the respective Governments summoned to the Conference.

Secretariat Note.—See under Resolutions XIX. and XX. of the Imperial War Conference, 1918 (pages 55-63 of this volume).

The Home Office Memorandum will be found on pages 151-156 of [Cd. 8566].

RESOLUTION XIII.: IMPERIAL MINERAL RESOURCES BUREAU.

That it is desirable to establish in London an Imperial Mineral Resources Bureau, upon which should be represented Great Britain, the Dominions, India, and other parts of the Empire.

The Bureau should be charged with the duties of collection of information from the appropriate Departments of the Governments concerned and other sources regarding the mineral resources and the metal requirements of the Empire, and of advising from time to time what action, if any, may appear desirable to enable such resources to be developed and made available to meet the metal requirements of the Empire.

That the Conference recommends that His Majesty's Government should, while having due regard to existing institutions, take immediate action for the purpose of establishing such a Bureau, and should as soon as possible submit a scheme for the consideration of the other Governments summoned to the Conference.

Secretariat Note.—See under Resolution XVI. of the Imperial War Conference, 1918 (page 52 of this volume).

RESOLUTION XIV.: PRODUCTION OF NAVAL AND MILITARY MATERIAL, MUNITIONS AND SUPPLIES.

That this Conference, in view of the experience of the present War, calls attention to the importance of developing an adequate capacity of production of naval and military material, munitions, and supplies in all important parts of the Empire (including the countries bordering on the Pacific and Indian Oceans) where such facilities do not presently exist and affirms the importance of close co-operation between India, the Dominions, and the United Kingdom with this object in view.

Secretariat Note.—The correspondence arising out of this Resolution is printed with other correspondence as to Naval and Military Defence in Dominions No. 82.

RESOLUTION XV.: DOUBLE INCOME TAX.

The present system of Double Income Taxation within the Empire calls for review in relation—

- (i) to firms in the United Kingdom doing business with the Oversea Dominions, India, and the Colonies;
- (ii) to private individuals resident in the United Kingdom who have capital invested elsewhere in the Empire, or who depend upon remittances from elsewhere within the Empire, and
- (iii) to its influence on the investment of capital in the United Kingdom, the Dominions, and India, and to the effect of any change on the position of British capital invested abroad.

The Conference, therefore, urges that this matter should be taken in hand immediately after the conclusion of the War, and that an amendment of the law should be made which will remedy the present unsatisfactory position.

(See pages 56-65 of *Dominions No. 73.*)

16700

No. 18.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.30 p.m., 10th April, 1922.)

TELEGRAM.

[Answered by No. 21.]

Your telegram of 25th March.* Board of Inland Revenue inquire whether your Government agree that Australian taxation year ending 30th June shall be taken as corresponding for purposes of relief, to United Kingdom year of assessment ending following 5th April, e.g., Australian year ending 30th June, 1922, to correspond to United Kingdom year ending 5th April, 1923. This would be in accord with established practice, as Dominion income tax year ending within United Kingdom income tax year is held to correspond with that year, and different arrangement for Australia would give rise to considerable administrative difficulty. Please telegraph reply.—SECRETARY OF STATE FOR THE COLONIES.

19808

No. 19.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 11.35 a.m., 25th April, 1922.)

TELEGRAM.

25TH APRIL. With reference to resolutions regarding income tax contained in your despatch of 30th March, No. 54,† hoped that in connexion with any fresh legislation your Ministers will be able to consider question of relief from double income tax: see your despatch of 26th November, 1920, No. 215.‡—SECRETARY OF STATE FOR THE COLONIES.

20262

No. 20.

HOUSE OF COMMONS.

(8th May, 1922.)

Double Income Tax.

LIEUT.-COLONEL JAMES asked the Chancellor of the Exchequer whether machinery has yet been set up enabling Australians resident in Great Britain or

* See No. 22.

† Not printed; it forwarded resolutions regarding income tax introduced into the House of Assembly.

‡ No. 80 in *Dominions No. 73.*

English resident in Australia to pay single income tax; and, if so, whether he will cause full details to be published in order that applicants may be enabled to take prompt advantage of the recent agreement in regard to this matter published in the Press?

Mr. Young: Under Section 27 of the Finance Act, 1920 (which applies for the year of assessment ended 5th April, 1921, and subsequent years), a person who has paid Dominion income tax in respect of a part of his income on which he is liable to United Kingdom income tax can obtain relief from the United Kingdom income tax at the rate of (a) the Dominion rate or tax, or (b) one-half his appropriate rate of United Kingdom tax (including super-tax), whichever of the two rates (a) or (b) is the less. This relief, I think, is already well-known to taxpayers concerned; a reference to it is contained in the income tax return forms, and a memorandum giving particulars of the steps to be taken to claim it, etc., is issued on request by the Inland Revenue Department. The Commonwealth of Australia has this year introduced a provision granting a complementary relief from Commonwealth income tax in cases where the Australian rate of tax exceeds the rate of relief from United Kingdom income tax allowable under Section 27. In order to claim this relief the taxpayer may, I understand, be required to produce a certificate issued by or on behalf of the Commissioners of Inland Revenue in the United Kingdom in evidence to show what is his appropriate rate of United Kingdom tax, and what is the income in respect of which he is liable to both Commonwealth tax and United Kingdom tax, and arrangements are being made for the issue of such certificates to taxpayers requiring them. The publication of details as to the relief allowable from the Commonwealth tax and the steps to be taken to obtain it is, however, a matter for the Commonwealth Government, with whom the administration of the Commonwealth tax rests.

26167

No. 21.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.22 a.m., 31st May, 1922.)

TELEGRAM.

31ST MAY. With reference to your telegram 10th April,* double income tax. Government of Commonwealth of Australia regrets inability reply definitely yes or no to your telegram regarding Commonwealth financial year corresponding to British financial year. Some cases will involve acceptance your suggestion; others will not, because in latter the Australian accounts used for Australian assessments for year ending 30th June will have been assessed to British tax in year ending previous 5th April. Wherever possible suggestion will be accepted. Commonwealth proposes calculate its rebate on the assumption that amount doubly taxed income appearing in Australian assessment is amount taxed in corresponding British year notwithstanding modifying effect of principle of averaging incomes in United Kingdom assessment.—GOVERNOR-GENERAL.

27930

No. 22.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12th June, 1922.)

[Answered by No. 24.]

(No. 186.)

SIR, Governor-General's Office, Melbourne, 2nd May, 1922.
With reference to my telegram dated 25th March, 1922, relative to the question of Double Income Tax, which reads:—
"Your telegrams 17th November† and 15th October,‡ Double Income Tax, reply will be forwarded next mail,"

* No. 18.

† 50066: reminder; not printed.

‡ No. 85 in Dominions No. 73.

I have the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Income Tax Assessment Act, 1915-1918, was amended by Section 5 of Act No. 31 of 1921, by the incorporation of the following section:—

12A. (1) Any person who has an amount of income which is liable to income tax for any year of assessment—

- (a) under this Act and in the United Kingdom; or
- (b) under this Act and in the United Kingdom and in a State of the Commonwealth of Australia,

and who satisfies the Commissioner as to—

- (c) the amount of the income which is so liable; and
- (d) the amounts of taxes to which the income is so liable, together with the rate or rates of those taxes,

shall be entitled to a rebate of tax upon that amount of income at a rate which shall be ascertained as follows:—

- (i) In the case where the amount of income is liable to tax under this Act and in the United Kingdom, and the Commonwealth rate is greater than one-half of the British rate:—

- (a) Where the Commonwealth rate is greater than the British rate, the rate of rebate shall be one-half of the British rate;
- (b) Where the Commonwealth rate is not greater than the British rate, the rate of rebate shall be the excess of the Commonwealth rate over one-half of the British rate;

Provided that no rebate shall be claimable under this paragraph with respect to any amount of income to which the next following paragraph is applicable.

- (ii) In the case where the amount of income is liable to tax under this Act and in a State and in the United Kingdom, and the sum of the Commonwealth and State rates is greater than one-half of the British rate, the proportion which the Commonwealth rate bears to the sum of the Commonwealth and State rates shall be ascertained, and the rate of rebate shall be that proportion of the following rates:—

- (a) Where the sum of the Commonwealth and State rates is greater than the British rate—one-half of the British rate;
- (b) Where the sum of the Commonwealth and State rates is not greater than the British rate—the excess of the sum of the Commonwealth and State rates over one-half of the British rate.

(2) In this Section the following expressions, in relation to an amount of income, have the following meanings:—

- (a) "Commonwealth rate" means the rate ascertained by dividing the total amount of income tax paid or payable for the year by the taxpayer (before the deduction of the rebate granted under this Section) by the amount of the total taxable income in respect of which the tax paid or payable under this Act has been charged for that year; except that, where the tax is charged on an amount other than the ascertained amount of actual profits, the rate of tax shall be as determined by the Commissioner;
- (b) "State rate" has a corresponding meaning in relation to the income tax paid or payable on the amount of income under the law of a State;
- (c) "British rate" means the appropriate rate of the tax in the United Kingdom upon the amount of income.

(3) For the purpose of this Section a certificate issued by or on behalf of the Commissioners of Inland Revenue in the United Kingdom shall be receivable in evidence to show:

- (a) What is the appropriate rate of United Kingdom tax; and
- (b) The particular amount of income which is liable to tax under this Act and in the United Kingdom.

With respect to Sub-section (1), my Prime Minister advises that the Section is designed to eliminate double taxation as between the United Kingdom and the Commonwealth to the extent that would be required if the States which comprise the Commonwealth were parties to an arrangement for the elimination of treble income tax between the United Kingdom and Australia, as recommended by the Royal Commission on Taxation which investigated the systems of taxation of the Commonwealth and the Australian States.

No State Government has yet intimated its intention to be a party to the arrangement, so that a taxpayer who at present pays the three taxes will not obtain

any relief from a State Government. This, however, will not affect the amount of the rebate to be allowed by the Commonwealth under the Section.

The Section applies for the first time to Commonwealth Income Tax Assessments made for the financial year 1921-1922, which are based on the income of the year ended 30th June, 1921, or the business accounting period which is taken as the equivalent by the Taxation Department at the request of the taxpayer.

Rebates are not allowable in respect of assessments for any previous year.

It will be necessary for the taxpayer concerned to make application to the Department for the rebate.

The clearest demonstration of the amount of income which falls to be doubly or trebly taxed must be made to the Department. The principal difficulty which may confront an applicant for rebate is the possibility of the United Kingdom income tax being levied on the income of a period different from that adopted in the Commonwealth or in a State. As all the State Taxation Departments assess on the income of a period of twelve months ending on 30th June, or, in the equivalent, on the accounts of the same business year, it is probable that in every case there will not be any difficulty to the applicant in demonstrating the amount of income which falls to be doubly taxed by the Commonwealth and a State. Where the United Kingdom tax has been levied on the income of a period different from that adopted by the Commonwealth, the applicant must demonstrate the amount of income included in that assessment which is also included in the Commonwealth assessment based on the different period. For example, an Australian branch of an English business may prepare its accounts for Commonwealth and State income tax purposes for the period ending 30th June, and at the same time it may submit to its head office business accounts for that or another period, so that they may be incorporated with the other accounts of the business for the ordinary business accounting period, and it may happen that the United Kingdom tax is based on the accounts of the latter period, and that it may differ from the year ended 30th June.

Great administrative difficulties will, it is thought, arise in dealing with the subject on account of the British system of averaging incomes for the purpose of ascertaining the taxable income of a year. In order to simplify the matter as much as possible, the Commonwealth Taxation Department has assumed, for the present at any rate, that the actual amount of Australian income which is taken into consideration in a year's accounts by the British authorities for the purpose of arriving at the average income to be taxed for that year, is the income falling to be doubly or trebly taxed in that year, notwithstanding that the result of the averaging of incomes of three years adopted by the British taxation authorities may be an increase or decrease of this actual amount.

It is to be noted that the United Kingdom income tax levies income tax on the net profits and gains of the business, while the Commonwealth Income Tax Assessment Act levies income tax on the taxable income of the business.

The net profits and gains of the business usually differ from the amount of the taxable income under the Commonwealth law. "Taxable income" means the amount of assessable (non-exempt) income remaining after all the deductions allowed by the Commonwealth Income Tax Assessment Act have been made. The allowable deductions do not cover all the deductions which must be made to ascertain the net profits and gains of the business, so that it would appear possible that United Kingdom income tax may in some cases be charged on a lesser sum than that upon which the Commonwealth income tax is charged. On the other hand, all allowable deductions under the Commonwealth law (e.g., gifts to charities, etc.) may not be allowable to ascertain the net profits and gains under the United Kingdom law, so that it would be possible that in some cases United Kingdom tax may be charged on a greater amount than that taxed in the Commonwealth. In such cases, therefore, part of the income of the business will not have been subjected to double taxation, and in respect of that part no rebate is allowable to the taxpayer.

It would appear to be necessary for both the United Kingdom and Commonwealth taxing authorities to require the taxpayer concerned to produce evidence to each authority from the other authority showing certain definite particulars as to income which has been assessed by the authority in a particular period, and the rate at which the tax has been levied by the authority.

In regard to the rate of tax, it is pointed out that both in the United Kingdom and in the Commonwealth the rate is in principle a graduated rate, but the principles of graduation are not similar in the two countries. This is not a difficulty, however,

because the rate by reference to which the rebate is to be calculated in both countries is an average rate obtained by dividing the amount of the tax by the amount of the income upon which the tax is charged.

There should be no difficulty in dealing expeditiously with claims for rebate submitted by companies, since the Commonwealth rate payable by companies is 2/8 in the £ on the undistributed portion of its net taxable income plus 8d. in the £ on dividends paid to absentee shareholders and on interest on debentures or money deposited with the company in Australia by absentees. The United Kingdom rate payable by the companies is 6/- in the £ on the whole of the net profits and gains made by the Australian house. Each State has a flat rate of tax on the incomes of companies.

Difficulties will probably arise in the cases of businesses owned by individuals or partnerships, because the rates payable in such cases will vary with the amounts of taxable income assessable to the individual owner or to the respective members of the partnership.

The Commonwealth authorities consider that the first step to obtaining a rebate should be taken in the Commonwealth by the Australian branch of the business concerned. It is suggested that the Australian representative of the business should submit to the Commonwealth Taxation Department a copy of the statement of accounts of the Australian business which has been or is to be forwarded to the head office in the United Kingdom, with such additional information as will enable the Commonwealth Taxation Department to prepare a certificate to show the actual amount of the Australian income included in these accounts which has been assessed for Commonwealth income tax.

This certificate would show:—

- (a) The actual income from Australian sources which had been taxed—
 - (i) by the Commonwealth;
 - (ii) by a State of the Commonwealth.

These amounts would be determined in accordance with the rules in force in the Commonwealth and the State relating to income derived from Australian sources.

- (b) The amount of the income of the Australian branch of the business which had been excluded from the Commonwealth and State assessments as being exempt from Commonwealth or State income tax. If desired by the taxpayer, the details of the exempt income could be supplied in the certificate. So far as the Dominion is concerned, the excluded amounts would not be subject to double taxation, and no rebate of United Kingdom income tax would be due to the taxpayer.
- (c) The rate or rates at which tax was levied by the Australian taxing authorities, e.g., in the case of the Commonwealth (in the case of a company), the rate paid by the company on its undistributed income and the additional rate paid in accordance with Section 16 (1A) of the Income Tax Assessment Act 1915-1921 on dividends or interest paid to absentee members, shareholders or debenture holders, or depositors of the company; in the case of a State the rate charged on the income taxed. The rate in the case of an individual taxpayer would, of course, be the average rate obtained by dividing his tax by his taxable income.

Upon submission of that certificate to the British taxing authorities, the United Kingdom rebate could be calculated and allowed. If a further rebate were necessary to be made by the Commonwealth, the certificate by the British taxing authorities could then be prepared.

It is considered necessary that this certificate should:—

- (a) Identify the statement of accounts furnished by the Australian branch to its head office in the United Kingdom which has been incorporated in the return of income submitted by the head office of the business to the British taxing authority for purposes of the United Kingdom income tax, and
- (b) The period for which the accounts included in the said return have been compiled by the head office of the business.
- (c) Identify the amount of the total income shown in the statement of accounts furnished by the Australian branch to its head office which is included in the net sum upon which United Kingdom tax has been charged to the head office. The amount should be sub-divided into:—
 - (i) assessable income from Australian sources according to the rules on that point in force in Australia,

- (ii) exempt income from Australian sources, *e.g.*, interest on Commonwealth Government War Bonds carrying $4\frac{1}{2}\%$ interest, or on State Government securities irrespective of the rate of interest.
- (iii) income derived by the Australian branch from sources outside Australia, determined according to the rules on that point in force in Australia.

I have, &c.,
FORSTER,
Governor-General.

49396

No. 23.

SOUTH AUSTRALIA.

THE LIEUTENANT-GOVERNOR TO THE SECRETARY OF STATE.
(Received 4th October, 1922.)

(No. 20.)

SIR, Government House, Adelaide, 28th August, 1922.
REFERRING to your despatch of the 30th July, 1921 (Dominions No. 308),* on the subject of relief from Double Income Tax, I have the honour to inform you that, by reason of the low rates of income tax in South Australia in comparison with the rates in the United Kingdom, my Ministers are of opinion that there is no need for local legislation giving further relief to taxpayers liable to double income tax beyond that provided by section 27 of the Finance Act, 1920.

I have, &c.,
G. J. R. MURRAY,
Lieutenant-Governor.

[Copy sent to the Governor-General.]

53542

No. 24.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(No. 412.)

MY LORD, Downing Street, 14th November, 1922.
WITH reference to Your Excellency's despatch No. 186 of the 2nd of May† on the subject of Double Income Tax, I have the honour to transmit to you, to be laid before your Ministers, the enclosed copy of a Memorandum which has been prepared by the Board of Inland Revenue.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 24.

NOTE BY THE BOARD OF INLAND REVENUE ON DESPATCH OF 2ND MAY, 1922, FROM THE GOVERNOR-GENERAL OF THE COMMONWEALTH OF AUSTRALIA ON THE SUBJECT OF DOUBLE INCOME TAX.

1. THE essence of the system of relief from United Kingdom Income Tax in respect of Dominion Income Tax is contained in the first paragraph of Sub-section (1) of Section 27 of the Finance Act, 1920:—

"If any person who has paid by deduction or otherwise, or is liable to pay, United Kingdom income tax for any year of assessment on any part of his income proves . . . that he has paid Dominion income tax for that year in respect of the same part of his income, he shall be entitled to relief from United Kingdom income tax paid or payable by him on that part of his income at a rate thereon to be determined as follows:—

* 35251: not printed; it enclosed a copy of a Circular to Colonies regarding relief from Double Income Tax.
† No. 22.

- (a) If the Dominion rate of tax does not exceed one-half of the appropriate rate of United Kingdom tax, the rate at which relief is to be given shall be the Dominion rate of tax;
- (b) In any other case the rate at which relief is to be given shall be one-half of the appropriate rate of United Kingdom tax."

2. It appears desirable to emphasize the fact that the relief in the United Kingdom proceeds by reference to the rate of Dominion tax paid by the claimant, for the Dominion year of assessment corresponding to the United Kingdom year of assessment for which relief is claimed, in respect of a part of his income liable to United Kingdom income tax and *not on the particular amount of such part of his income liable to United Kingdom income tax as is charged to Dominion income tax*. The rate of Dominion tax paid in respect of the part of the income in question having been ascertained, the relief from United Kingdom income tax is granted on that part of the income as charged to United Kingdom income tax for that year of assessment, irrespective of the fact that the amount of the United Kingdom assessment may be greater or less than the amount of the Dominion assessment for the corresponding Dominion year of assessment, or that the amount of relief may fall short of or exceed the amount of Dominion tax actually paid. In other words, under this system of relief no inquiry is made into any differences of basis of computation under the Dominion and United Kingdom rules of assessment, provided that it is clear that from whatever source he derives the income on which he claims relief, the claimant has paid (for the Dominion year of assessment corresponding to the United Kingdom year of assessment for which relief is claimed) Dominion income tax in respect of his income from that source, however that income may have been computed for the purpose of assessment to the Dominion tax. For example, suppose a man resident in the United Kingdom trades in a Dominion and is liable to United Kingdom income tax in respect of the profits on a three years' average and to Dominion income tax on a preceding year's basis: suppose also (ignoring other expenses) that the Dominion allows as a deduction contributions to charity, which are not allowed in the United Kingdom, and that his profits for the years 1 to 4 are as follows:—

		Profits before deduction of contributions to charity.		Contributions to charity.
1	...	£10,000	...	£300
2	...	£5,000	...	£600
3	...	£3,000	...	£240
4	...	£7,000	...	£500

The United Kingdom and Dominion assessments for the years 4 and 5 are as follows:—

	United Kingdom Assessment.	United Kingdom rate (say).	Dominion Assessment.	Dominion rate (say).
4	£6,000	5s.	£2,760	2s.
5	£5,000	5s.	£6,500	2s.

Then relief from United Kingdom income tax would be allowed at 2s. on £6,000 for the year 4 and 2s. on £5,000 for the year 5.

3. This system of relief follows that contemplated by the Royal Commission on the income tax, who stated, in paragraph 69 of their Report of the 11th March, 1920, that they were "of opinion that any sound solution of this problem should have regard to the following principles:—

- (b) That there should be no interference either by this country or by a Dominion with the basis of assessment adopted by any other part of the Empire, and further that the settlement should be independent of increases and decreases in rate of tax, and alterations in the bases of assessment, whether here or in the Dominions."

And the example in paragraph 74 of the Report illustrates their intention:—

"A, a British resident, derives a fluctuating unearned income directly from a Dominion whose rate of tax applied to that income is 1s. 6d. in the £. A has no other income, and his rate of tax in the United Kingdom varies according to the amount of his income. The following figures illustrate the position:—

* It is observed that the Australian Royal Commission on Taxation in paragraph 176 of their First Report stated that they were in accord with this opinion.

	First Year.	United Kingdom.		Dominion.
Tax before relief	...	£1,000 at 3s. 9d.	...	£600 at 1s. 6d.
Relief	...	£1,000 at 1s. 6d.	...	Nil.
Tax after relief	...	£1,000 at 2s. 3d.	...	£600 at 1s. 6d.
	Second Year.	United Kingdom.		Dominion.
Tax before relief	...	£300 at 3s.	...	£900 at 1s. 6d.
Relief	...	£300 at 1s. 6d.	...	Nil.
Tax after relief	...	£300 at 1s. 6d.	...	£900 at 1s. 6d.

In this example, although it was the same description of income assessed each year, there were wide variations in the amounts assessed in the United Kingdom and in the Dominion. This might happen owing to different methods of computing taxable profit, and the differences are intentionally exaggerated to illustrate the principles to be followed."

4. It had been anticipated that Dominions granting complementary relief would proceed on the same principle: for instance, if in the example given in the preceding paragraph the Dominion rate had been 2s. instead of 1s. 6d., that the United Kingdom would grant relief at 1s. 10½d. on £1,000 for the year one and at 1s. 6d. on £300 for the year two, and the Dominion would allow relief at 1½d. on £600 for the year one and at 6d. on £900 for the year two, irrespective of difference in the method of computing the United Kingdom and Dominion assessments respectively.

5. The Board of Inland Revenue are not clear as to the extent to which it is proposed to adopt this principle in dealing with the Commonwealth relief or to which the Commonwealth law permits its adoption. It is observed from page 4 of the Governor-General's despatch that it is not contemplated that the United Kingdom method of dealing with differences in allowable deductions (exemplified in paragraph 2 above by contributions to charity) will be followed; for instance, assuming a case in which both Commonwealth and United Kingdom assessments are on precisely the same basis except that a deduction of x for a certain outgoing is allowable in arriving at the United Kingdom assessment but not in arriving at the Commonwealth assessment, the United Kingdom assessment being y and the Commonwealth assessment y + x, it is gathered that the proposal is to allow relief from Commonwealth tax on y only.

6. As regards the other principle on which the United Kingdom system works, viz., that of ignoring the periods on which the respective assessments are based, it is gathered that the Commonwealth system will proceed in theory on different lines, viz., that the taxpayer will be allowed relief on an actual amount which he shows has been subjected to both Commonwealth and United Kingdom income tax for the same year of assessment. A strict application of this principle would not, of course, normally conform with the United Kingdom basis of assessment. For instance, in the example given in paragraph 2, only one-third of the amount of £2,760 assessed in the Dominion in the year four is actually charged with United Kingdom income tax for that year. It is understood from the Governor-General's despatch, however, that in a case of this type the Commonwealth would allow relief on £2,760 for the year four on the ground that the whole of the £2,760 had been taken into account in the average on which the United Kingdom assessment of £6,000 was based, and that similarly the Commonwealth would allow relief on £6,500 for the year five, the rate of relief in either case being determined by the excess of the Commonwealth rate charged for the years four and five respectively over the United Kingdom rates of relief allowed for those years.

7. In the preceding paragraph it has been assumed that the rate of relief allowable for any particular Commonwealth year of assessment will (however the amount on which relief is to be allowed is arrived at) depend on the United Kingdom rate of tax and rate of relief for the United Kingdom year of assessment corresponding to that Commonwealth year of assessment. The provision of the Commonwealth Act, "Any person who has an amount of income which is liable to income tax for any year of assessment under this Act and in the United Kingdom" appears to contemplate a comparison of the rates for corresponding years of assessment, irrespective of the year or years on the basis of which assessments are computed. If this assumption is correct, it should be possible to lay down a general rule as to

the correspondence of United Kingdom and Commonwealth years of assessment. The Board of Inland Revenue in administering the relief from United Kingdom income tax since it was first granted in 1916 have adhered to the general rule that the Dominion year of assessment to form the basis of relief for any particular United Kingdom year of assessment should be the Dominion year of assessment ending in the United Kingdom year. For instance, the Commonwealth year of assessment ended 30th June, 1922, would be taken as corresponding to the United Kingdom year of assessment ending 5th April, 1923. It would, of course, be difficult for the Board of Inland Revenue, so far as the United Kingdom relief is concerned, now to depart from this basis, and the Board suggest that it would simplify matters both for the Revenue departments and for the taxpayer if it were agreed that as a general rule the Commonwealth year of assessment ending on the 30th June should be regarded as corresponding to the United Kingdom year of assessment ending on the following 5th April.

8. It would seem that if the Commonwealth system of relief proceeds on the principles indicated in paragraphs 6 and 7 of this Note many of the difficulties which might arise through the Commonwealth and United Kingdom assessments being based on different periods will be avoided. Normally, the main difficulty, from the Commonwealth point of view, would apparently be the identification of outgoings allowed as a deduction for United Kingdom income tax purposes, and not allowed for Commonwealth income tax purposes. A special difficulty might, as pointed out in the Governor-General's despatch, arise where the accounts of a branch in Australia were made up to one date for Commonwealth income tax purposes and to another for United Kingdom income tax purposes, and in that case there would appear to be no alternative but to make a detailed examination of the accounts as adjusted for United Kingdom income tax purposes in order to identify in the Australian accounts the outgoings which would have been disallowed if those accounts had been adopted for United Kingdom income tax purposes.

9. For the purpose of identifying such outgoings and for other purposes in connexion with the relief a detailed examination of the accounts as adjusted for United Kingdom income tax purposes might no doubt be necessary, and it is suggested in the Governor-General's despatch that the taxing authorities on either side should exchange somewhat detailed certificates to assist in determining the relief due. The preparation of detailed certificates of this kind would, however, be a matter of considerable labour—indeed, in view of the fact that the United Kingdom income tax is administered locally by officials who normally would not have specialized knowledge in relation to this matter, the labour involved would, so far as the United Kingdom is concerned, be prohibitive—and the Board of Inland Revenue are inclined to think that most of the detailed information required could satisfactorily be obtained from the person claiming relief. It is necessary, of course, that authoritative evidence should be forthcoming as to the amount of the profits assessed and the amount and rate of tax paid, and this information is normally sufficient to test the accuracy of details supplied by the claimant, when requested, for instance, to demonstrate how his liability is computed in detail on the basis of his accounts. Moreover, such a certificate would necessarily be on stereotyped lines, and it appears to the Board that the details for which the certificate provided might in many cases not actually be required by the authority granting the relief, and the labour of furnishing them in such cases would be fruitless.

In administering the relief from United Kingdom income tax which has been in operation since 1916 the Board have found that in the great majority of cases it has been unnecessary to require information vouched for by the Dominion authorities beyond that given in the Dominion assessment notices and receipts, and so far as the relief from United Kingdom income tax is concerned they do not think it will be necessary, so long as these documents can be produced, to ask the Commonwealth authorities to furnish special certificates, although if in exceptional cases the Board require authoritative information which cannot satisfactorily be obtained from the claimant, the Commonwealth authorities will, perhaps, be good enough to assist them.

10. With regard to the certificate required from the United Kingdom authorities, the Board while anxious to assist the Commonwealth authorities so far as possible are obliged, for reasons indicated in the preceding paragraph, to suggest that the certificate should be confined to the minimum of detail. Moreover, the fact that it will fall to local officers to furnish the certificates renders it quite impracticable to attempt to give particulars, as suggested under head (c) of the form of

certificate proposed in the Governor-General's despatch, of income determined according to the rules in force in Australia.

The Board think that if the taxpayer is able to produce to the Commonwealth authorities official evidence as to the amount of the United Kingdom assessment and the United Kingdom rate of tax and relief it will be found normally that further details can be obtained as satisfactorily from the taxpayer as from official sources. The Board would suggest that the United Kingdom certificates should give the following particulars, to be certified as correct on behalf of the Commissioners of Inland Revenue by the Board's Inspector dealing with the case:—

- (a) "Appropriate rate of United Kingdom tax" for the year ended 5th April
- (b) Amount of income as assessed to United Kingdom income tax for the year ended 5th April. on which relief from United Kingdom income tax has been allowed in respect of Australian Commonwealth and State income tax being the average amount of the profits for the three preceding years,* viz. :—
- (c) Description of income in question
- (d) Rate of relief allowed
- (e) Amount of relief allowed

11. It is observed that sub-section (2) (c) of Section 5 of the Commonwealth Act defines the "British rate" as the "appropriate rate of the tax in the United Kingdom upon the amount of income." The Board assume that the rate here referred to is the "appropriate rate of United Kingdom tax" as defined by Section 27 of the Finance Act, 1920, that is, the rate of United Kingdom income tax which the claimant is liable to bear or where he is liable to United Kingdom super-tax for the same year, the sum of the rates of United Kingdom income tax and super-tax which he is liable to bear, the rates of United Kingdom income tax and super-tax being determined on the lines laid down in sub-section (8) (d) of Section 27, viz., in the case of income tax by dividing the amount of tax payable on the claimant's taxable income (i.e., his assessable income from all sources less any deduction for personal or family allowances) by the amount of that taxable income and in the case of super-tax by dividing the amount of super-tax payable by the amount of the claimant's total income from all sources as estimated for super-tax purposes.

12. There is a point arising in connexion with companies regarding which the Board think it desirable to explain their practice. The Governor-General states in the second paragraph on page 5 of his despatch that "there should be no difficulty in dealing expeditiously with claims for rebate submitted by companies, since the Commonwealth rate payable by companies is 2s. 8d. in the £ on the undistributed portion of its net taxable income, plus 8d. in the £ on dividends paid to absentee shareholders and on interest on debentures or money deposited with the company in Australia by absentees." Under the United Kingdom law, of course, a company is liable to income tax on distributed and undistributed profits alike, and it is the practice in dealing with claims from companies liable to Commonwealth income tax on undistributed profits, etc., to work out an effective rate, for the purposes of the relief, applicable to the total Australian profits. For instance, suppose a company were charged to Commonwealth income tax as follows:—

Total profits assessable to Commonwealth income tax ...	£10,000
Less distributed profits	£8,000
	£2,000

Tax charged at 2s. 8d. on £2,000 = £266 13s. 4d., and the company also paid, say, £233 6s. 8d. (at 8d. in the £) in respect of dividends and interest paid to absentees. An effective Dominion rate would be worked out by dividing £266 13s. 4d. plus £233 6s. 8d. by £10,000, and relief from United Kingdom income tax would be allowed at the effective rate of 1s. in the £ so obtained on the total amount of the

* Note.—It is proposed here to indicate, with figures, the basis of the United Kingdom assessment, that is, whether on the three years' average or on some other basis.

company's profits falling within the scope of the Commonwealth tax as computed for assessment to United Kingdom income tax.

13. The companies to which the preceding paragraph relates are companies which are themselves liable to United Kingdom income tax on their profits. It is necessary also to refer to the case of dividends received by shareholders resident in the United Kingdom from companies which are not liable to United Kingdom income tax on their profits. In such cases relief from United Kingdom income tax under Section 27 of the Finance Act, 1920, is allowed to the shareholders on their dividends (so far as deemed to be derived from Australian assessable income) in respect of (a) the Australian Commonwealth and State taxes paid by the company on its profits and (b) Commonwealth tax paid by the company in respect of the dividends distributed to absentee shareholders.* In arriving at the rate of Commonwealth tax for the purposes of relief in the case of such dividends an effective rate of undistributed profits tax is worked out over the whole profits as indicated in the preceding paragraph, but the absentee tax is taken at its actual rate, e.g., if the company paid tax as in the instance given in the preceding paragraph the rate of Commonwealth tax for the purpose of allowing relief to the United Kingdom shareholder on his dividend would be taken as 1s. 2-4d. in the £ (8d. absentee tax plus £266 13s. 4d. divided by 10,000 = 8-4d.).

The Board would be glad to know whether in such a case, where the Commonwealth taxes are paid primarily by the company (either on its profits or in respect of dividends distributed to absentees) and the United Kingdom income tax is paid by the shareholder (on his dividends), it is proposed to allow the shareholder a balance of relief from Commonwealth tax when the rate of relief allowed to the shareholder in the United Kingdom is less than the full rate of the Dominion tax paid by the company.

October, 1922.

* This general statement requires the qualification that in the case of a Debenture holder or of a Preference shareholder entitled to a preferential dividend at a fixed rate without participating rights in any balance of distributable profits relief would only be allowed in so far as Dominion income tax was actually deducted from his interest or dividend.

**RESOLUTION XVII.: CONTROL OF IMPORTS AFTER THE WAR
FROM PRESENT ENEMY COUNTRIES.**

The Imperial War Conference consider it desirable, with a view to prevent dumping or any other mode of unfair competition from present enemy countries during the transition period after the War, that the several Governments of the Empire, while reserving to themselves freedom of action in any particular respect, take power to control the importation of goods originating in such countries into the Empire for a period of twelve months after the War.

Secretariat Note.—See note on page 66 of Dominions No. 73.

RESOLUTION XXI.: IMPERIAL PREFERENCE.

The time has arrived when all possible encouragement should be given to the development of Imperial resources, and especially to making the Empire independent of other countries in respect of food supplies, raw materials and essential industries. With these objects in view this Conference expresses itself in favour of:—

- (1) The principle that each part of the Empire, having due regard to the interests of our Allies, shall give specially favourable treatment and facilities to the produce and manufactures of other parts of the Empire.
- (2) Arrangements by which intending emigrants from the United Kingdom may be induced to settle in countries under the British flag.

(See pages 69-71 of Dominions No. 73.)

4470

No. 25.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.45 a.m., 28th January, 1922.)

TELEGRAM.

[Answered by No. 26.]

28TH JANUARY. Following from Prime Minister:—

Begins: The Prime Minister and Ministers of the Commonwealth and the Premiers of the several States of the Commonwealth meeting in conference to discuss matters of great national importance have considered the fruit-growing industry in its relation to the settlement on the lands of Australia of suitable British emigrants preferably ex-service men and their families. The possibilities of fruits suitable for drying, such as currants, raisins, muscatels, prunes, apricots, peaches, etc., are almost unlimited, and there is a market in Britain more than ample to absorb the output of many thousands of new settlers in addition to those already on the lands.

The proposition is one that it is thought will commend itself to the British Government. It involves close settlement on irrigated areas. Markets are, however, essential.

The great economic importance of the industry to the Empire and its direct bearing on the settlement of British ex-soldiers—many of whom have found and are finding employment in connexion therewith—is obvious. The significance and value of effective migration must at this juncture be apparent to the British Government. On behalf of the Commonwealth and State Governments, therefore, I desire to urge the British Government to co-operate with them in assisting Australian dried-fruit industry. Assistance could best be granted by a preferential tariff in favour of Australian dried fruits of 1½d. per pound on currants and 2d. per pound on raisins and all other dried fruits. *Ends.*

—GOVERNOR-GENERAL.

11659

No. 26.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.5 p.m., 24th March, 1922.)

TELEGRAM.

Your telegram 28th January.* Following for your Prime Minister:—

Begins: We have carefully examined your proposal, but are faced with following difficulties:—First: The preference which you propose is equiva-

* No. 25.

lent to 14s. per cwt. on currants and 18s. 8d. per cwt. on raisins and other dried fruits, i.e., far greater than whole of present duties on such fruits, which are 2s. per cwt. and 10s. 6d. per cwt., respectively, with preferential rebate of one-sixth on Empire produce except that no duty on peaches. To give effect to proposal of Commonwealth Government would involve therefore very large increase in duty leviable on dried fruits derived from non-Empire countries, which are by far largest sources of supply. Even if preference equivalent to whole, or nearly whole, amount of increased duty were given to Imperial produce result would be increase in price of a food which, in the case of the cheaper varieties, is largely consumed by working classes in this country.

Secondly: Preference proposed would be greatly in excess of general preference of one-sixth incorporated in Finance Act, 1919, and if given effect to would inevitably lead to reactions on the British Exchequer, which in present financial circumstances we could not face. For above reasons, whilst we have every sympathy with object aimed at, we fear that it is quite impracticable to grant proposed preference. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

Secretariat Note.—In 1922, the following despatches were sent to the Dominion Governments:—

Dominions No. 56, of 20th of February, forwarding copies of Imperial Preference Order (No. 1), 1922, dated 6th of February, including mandated territories of South-West Africa, New Guinea and Western Samoa, within the definition of the British Empire for the purposes of Section 8 of the Finance Act, 1919.

Dominions No. 381, of the 21st of October, forwarding copies of Imperial Preference Order (No. 2), 1922, relating to the Tanganyika Territory, the Cameroons and Togoland.

Dominions No. 227, of the 7th July, forwarding copies of [Cmd. 1683], relating to the continuance for ten years of the existing preferential rates on goods imported into the United Kingdom from the West Indies and other parts of the Empire.

RESOLUTION XXII.: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE SELF-GOVERNING DOMINIONS.

That the Imperial War Conference, having examined the Memorandum on the position of Indians in the Self-governing Dominions presented by the Indian representatives to the Conference, accepts the principle of reciprocity of treatment between India and the Dominions and recommends the Memorandum to the favourable consideration of the Governments concerned.

Secretariat Note.—The correspondence on this subject is printed in Dominions No. 85. The Memorandum laid before the Conference will be found on pages 159-162 of [Cd. 8566].

III.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF
THE IMPERIAL WAR CONFERENCE, 1918.

RESOLUTION I.: IMPERIAL WAR GRAVES COMMISSION.

The Conference desires to place on record its appreciation of the labours of the Imperial War Graves Commission and is in favour of the cost of carrying out the decisions of the Commission being borne by the respective Governments in proportion to the numbers of the graves of their dead.

(See pages 74-75 of *Dominions No. 73*, and page 20 of *this volume*.)

11843

No. 27.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 135.)

MY LORD,

Downing Street, 24th March, 1922.

WITH reference to Your Excellency's despatch No. 251 of the 11th of July, 1921,* relative to the treatment of graves of enemy prisoners of war and interned civilians who died and were buried in Australia, I have the honour to request you to inform your Ministers that it was intended to submit the requirements of Clauses 225 and 226 of the Treaty of Peace with Germany, for interpretation to the Council of Ambassadors, but that, at the request of the French Ministry of Pensions, the reference to the Council of Ambassadors has been withdrawn until further discussion has taken place with the German War Graves Administration in Berlin. Major-General Sir Edward Perceval, the representative of the Imperial War Graves Commission in Berlin, will attend the discussion. Pending the result of this discussion and further reference to the Council of Ambassadors, the Imperial War Graves Commission consider it inadvisable to express any opinion in reply to the questions in your despatch, as to the care and maintenance of the graves referred to.

2. The Imperial War Graves Commission observe further that under the Supplementary Charter dated the 26th of August, 1921 (copies of which were enclosed in my despatch *Dominions No. 360* of the 31st of August, 1921†), they have power to fulfil on behalf of the Government of any part of the Empire, any obligations connected with enemy graves. This power would enable them to prepare any records in connexion with enemy graves in Australia desired by the Commonwealth Government.

I have, &c.,

WINSTON S. CHURCHILL

* No. 94 in *Dominions No. 73*.† No. 93 in *Dominions No. 73*.

RESOLUTION VIII.: IMPERIAL STATISTICS.

The Imperial War Conference having considered the correspondence as to the improvement of Imperial Statistics arising out of the recommendations of the *Dominions Royal Commission*, is in favour of the proposal to hold a Conference of Statisticians after the war, and that such Conference consider the establishment of an Imperial Statistical Bureau under the supervision of an Inter-Imperial Committee.

(See pages 88-95 of *Dominions No. 73*.)

Secretariat Note.—No correspondence with the *Dominions* took place during 1922: the question was held in suspense pending the decision of His Majesty's Government on the report of a Committee set up under the Chairmanship of Sir Alfred Watson, K.C.B., to examine the proposals of the British Empire Statistical Conference, 1920. Copies of the majority and minority report are attached to 29740/21 *Dominions*.

RESOLUTION XI.: SHIPPING.

The Conference accepts in principle the establishment of an Imperial Investigation Board and refers it to a Committee of the Conference to frame a detailed scheme for such a Board.

The Conference agrees that it be also referred to the Committee to consider the best machinery for promoting the development of Imperial communications to the best advantage, with special reference to the probable size of vessels and the consequent demands upon harbour accommodation for the purposes of Imperial requirements, and to the Resolution handed in by the Prime Minister of New Zealand.

RESOLUTION XXIV.: SHIPPING.

(1) That in order to maintain satisfactorily the connexions, and at the same time encourage commercial and industrial relations, between the different countries of the British Empire, this Conference is of opinion that shipping on the principal routes, especially between the heart of the Empire and the Overseas Dominions, including India, should be brought under review by an Inter-Imperial Board on which the United Kingdom and the British Dominions and Dependencies should be represented.

(2) That for this purpose an Imperial Investigation Board, representing the various parts of the Empire, be appointed, with power to inquire into and report on all matters connected with ocean freights and facilities, and on all matters connected with the development and improvement of the sea communications between the different parts of the Empire, with special reference to the size and type of ships, and the capacities of harbours; the Board to include, in addition to representatives of the Governments concerned, persons with expert knowledge of the problems involved, including representatives of the shipping and trading interests.

(See pages 123-139 of *Dominions No. 73* and page 96 of this volume.)

Secretariat Note.—The Report of the Imperial Shipping Committee on the Rates of Freight in the New Zealand Trade were sent to the Dominions by despatch Dominions No. 17 of the 17th January, 1922. The Final Report of the Imperial Shipping Committee on the Deferred Rebate System [Cmd. 1802] was sent to the Dominions by despatch Dominions No. 10 of the 4th January, 1923, and was published on the 10th February, 1923, with the agreement of the Dominions.

RESOLUTION XII.: INTER-IMPERIAL PARCELS DELIVERY.

The Conference considers it desirable, for the purpose of encouraging Imperial trade, that the present facilities for inter-Imperial parcels delivery should be enlarged, improved, and co-ordinated, and recommends that the proposals contained in the Board of Trade memorandum should be examined by the Governments represented at the Conference with a view to the preparation of a detailed scheme designed to promote this object.

(See pages 140-142 of *Dominions No. 73*.)

(The Board of Trade memorandum is printed on pages 241-242 of [Cd. 9177].)

9444

No. 28.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th February, 1922.)

(No. 46.)

SIR,

Governor-General's Office, Pretoria, 8th February, 1922.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 457, of the 10th November, 1921,* copy of a minute from Ministers on the subject of the proposals for an Imperial heavy parcels post scheme.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 28.

MINUTE No. 85.

Prime Minister's Office, 4th February, 1922.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's minute of the 10th December, 1921, No. 43/660, covering a copy of a despatch from His Majesty's Secretary of State for the Colonies on the subject of a proposed Imperial heavy parcel post service.

Ministers desire to remark that this question has been reviewed from time to time by the Union Department of Posts and Telegraphs, together with suggestions for alterations in the parcel post tariffs, both inland and overseas.

The oversea parcel tariff is influenced largely by the fact that the inland rate of the Union is 6d. per lb. The rate between England and the Union is 9d. per lb. in either direction, divided equally between the United Kingdom, sea conveyance, and the Union of South Africa, and, relatively to the inland postage, the United Kingdom-Union rate is considered to be reasonable. While the inland tariff calls for 6d. per lb., the whole of which is revenue to the Union, it is hardly possible to perform the same service for an overseas parcel for less than 3d. per lb. (i.e., the Union share of 9d. per lb.), and the general conditions of the service do not permit of a reduction of the inland rate at the present time. Moreover, the world tendency to-day is not in the direction of reducing tariffs.

There is no evidence of any demand in South Africa for an extension of the limit of weight—presently 11 lb. per parcel—and although it is well known that postal parcels of 20 lb. or more are handled in some other countries (generally by the railway authorities working in conjunction with the Post Office) the treatment of such parcels by postal officials would be difficult in many Union centres, and impossible in others. New machinery would have to be established, and it is practically certain that for many years to come a heavy parcel post service would be carried on at a loss.

In view of all the circumstances, Ministers regret that they are unable to recommend the adoption in the Union, at the present time, of the scheme proposed by His Majesty's Postmaster-General and the Board of Trade.

J. C. SMUTS.

* No. 225 in *Dominions No. 73*.

19201

No. 29.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th April, 1922.)

(No. 62.)

SIR,

Government House, Wellington, 7th March, 1922.

WITH reference to your despatch, Dominions No. 457, of the 10th November,* regarding proposals for an Imperial heavy parcels post scheme, I have the honour to inform you that my Ministers concur in the scheme outlined in the Board of Trade's memorandum dated June, 1918,† that details as to the charges to be levied and the general conditions that would govern the working of the scheme in this Dominion will be considered later by the Government of New Zealand, and that in New Zealand it would be necessary to restrict the service to the principal towns served by railway or steamer.

2. My Prime Minister desires to add that the New Zealand Government regrets that it does not see its way to incur the expense of supplying officers to assess and collect duties in various out-ports and other places in the United Kingdom, as the amount so collected would be small compared with the cost of providing the service.

I have, &c.,

JELLICOE,

Governor-General.

38507

No. 30.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th August, 1922.)

(No. 245.)

SIR,

Governor-General's Office, Melbourne, 14th June, 1922.

WITH reference to your despatch dated 10th November, 1921, Dominions No. 457,* covering copies of a memorandum relating to proposals for an Imperial heavy parcels post scheme, and asking for the observations of my Ministers thereon, I have the honour to inform you that I am advised by my Prime Minister that in view of the fact that there are serious difficulties in the way of the adoption of the proposed scheme by the Commonwealth Government, it is unable under present conditions to become a party thereto.

I have, &c.,

FORSTER,

Governor-General.

Secretariat Note.—Further replies are contained in Dominions No. 91.

* No. 225 in Dominions No. 73.

† See page 241 of [Cd. 9177].

RESOLUTION XIII.: CENTRAL EMIGRATION AUTHORITY.

The Imperial War Conference reaffirms the principle laid down by Resolution XXI of the 1917 Conference, in favour of arrangements being made by which intending emigrants from the United Kingdom may be induced to settle in countries under the British Flag. It is of opinion that the representatives of the Oversea Dominions in the United Kingdom should keep in the closest touch with any new Body established by His Majesty's Government to supervise emigration from the United Kingdom. The Conference is of opinion that the appointment of a Consultative Committee, not to exceed ten members, on which representatives of the Oversea Dominions should sit, to advise any such Body, would afford the best means of co-operation.

(See page 99 of this volume.)

Secretariat Note.—Correspondence regarding Empire Settlement is printed in Dominions No. 89.

RESOLUTION XV.: CHANNELS OF COMMUNICATION.

(1) That this Conference is of the opinion that the development which has taken place in the relations between the United Kingdom and the Dominions necessitates such a change in administrative arrangements and in the Channels of Communication between their Governments as will bring them more directly in touch with each other.

(2) That the Imperial War Cabinet be invited to give immediate consideration to the creation of suitable machinery for this purpose.

(See pages 155-159 of *Dominions No. 73.*)

23953/S

No. 31.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th May, 1922.)

[Answered by No. 33.]

(Secret and Personal.)

SIR, Government House, Wellington, 22nd March, 1922.

I HAVE the honour to bring to your notice the question of the transmission by the Foreign Office direct to my Prime Minister, of Secret Foreign Office despatches and Cabinet Memoranda.

2. The first intimation which I received of the institution of this practice was from Mr. Massey on his return from the Conference of Prime Ministers in October last, when, in the course of conversation on matters dealt with at the Conference, he informed me of the arrangement which had been made. It was not until I received a copy, some months later, of the Proceedings of the Conference, that I became aware of the fact that the matter had formed the subject of discussion during the 23rd Meeting of the Conference on 12th July, 1921.

3. I regret that it was not considered necessary to consult me at the time, or to inform me officially of the institution of so important a procedure, whereby my Prime Minister is placed in possession of information affecting Imperial relations of which the Governor-General is not necessarily cognizant.

4. Presumably, the objects of sending the documents in question to the Prime Ministers of the Self-Governing Dominions are to ensure their being kept informed of the trend of our Foreign Policy, and to assist them in forming their views on that Policy in order that they may be ready to support it, or to offer suggestions and express opinions thereon. If the Prime Ministers pass the papers to the Governors-General (though I do not suggest this as the proper course) the latter are of course equally well-informed, and can discuss these questions with their Prime Ministers, and possibly influence them in the direction of supporting the views of the Home Government. The Governors-General can in fact carry out their primary duty of acting as a link in the Imperial chain which connects the Dominions with the United Kingdom. But the Prime Ministers are under no obligation, under the arrangement contemplated at the Conference, to give the Governors-General the information, and not only is the position of the latter weakened, but their utility is largely decreased. The Prime Ministers themselves, too, are placed in the position of deciding whether they shall give their confidence to the Governors-General, to whom they are Chief Advisers, or whether they shall ignore them in matters which may be of supreme importance to the unity of the Empire. I cannot help feeling very seriously that the admission of a principle which may result in a Prime Minister ignoring a Governor-General in matters of this kind would be a very dangerous proceeding, and one which is not calculated to foster or to strengthen the feelings of mutual esteem and respect which should characterize the relations between a Governor-General and his advisers.

5. It is right to state here that when I asked Mr. Massey whether he proposed to send the papers for my perusal, he at once stated his intention of doing so. It is, however, quite possible that another Prime Minister might take a totally different view of the matter, and that a serious difference of opinion might arise

between the Dominion and Imperial Governments on an important matter of Foreign Policy, with the Governor-General ignorant of the facts of the case, and powerless, for this reason, to endeavour to influence Dominion opinion. The position will be accentuated as the Dominions grow in importance and take a larger share in the Foreign Policy of the Empire.

6. It appears to me a matter of vital importance, from an Imperial point of view, that the Governor-General should be the channel of communication between the Home and the Dominion Governments, and proportionately as this rule is departed from, so is the utility, the influence, and the prestige of the Governor-General lessened, and so, also, in my opinion, is the system of Inter-Imperial relations weakened.

7. The correspondence which took place in 1918* on the subject of direct communication between the Prime Minister at home and the Prime Ministers of the Dominions is of importance in this connexion. The Governors-General of the Commonwealth of Australia and the Dominion of New Zealand expressed strong views on this subject, and nothing that has occurred since appears to lessen the soundness of their attitude. At that time, too, it was clearly laid down that the Governor-General should be kept informed of all communications passing between the Prime Ministers direct. Even this procedure is departed from under the new arrangement, and I venture to submit that unless and until it is decided that a Governor-General should cease to perform, as the King's Representative and as the Representative of His Majesty's Government one of his main functions, it is essential that in future Foreign Office despatches and Cabinet Memoranda should either be forwarded through the Governor-General, or that duplicate copies should be sent for his information.

8. I beg to emphasize, in conclusion, the importance of the principle involved, not only to the position of Governors-General, but possibly to the relations between the Dominions and the Mother Country, and to the prestige of the Crown.

9. It will, I hope, be clearly understood that nothing in this despatch is intended to convey the inference that mutual confidence does not exist to the fullest extent between my Prime Minister and myself. Our relations are most cordial, and I have shown him a copy of this despatch. He has expressed his entire concurrence in the views I have expressed, and has authorized me to say that he holds the opinion that all communications between His Majesty's Government and the Government of New Zealand should be addressed to the Governor-General.

I have, &c.,

JELLICOE.

Governor-General.

30395/S

No. 32.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th June, 1922.)

[Answered by No. 33.]

(Private and Personal.)

SIR, Governor-General, Melbourne, 16th March, 1922.

I HAVE the honour to acknowledge the receipt of your Secret and Separate despatch dated 8th November, 1921,† transmitting for my personal information a copy of the bound volumes of the proceedings of the "Imperial Meetings, 1921."

On reading the notes of the 23rd meeting, held on 12th July, 1921, I observe that proposals were made (and apparently accepted) that a selection of extremely confidential Foreign Office papers should be sent periodically by the Foreign Office direct to the Prime Ministers of the Dominions.

This entirely new departure naturally affects the position of the Governors-General, and I am surprised that at no stage of these proceedings was I consulted. The omission even to inform me of the proposal or its adoption indicates a lack of consideration which appears to me to be most unfortunate.

* See pages 225-232 of *Dominions No. 61.*

† 54307: not printed.

In this connexion I am constrained to ask if it is the wish or intention of the Home Government that there should be any change in the scope or character of the Governor-General's appointment. Is he to be regarded as a mere figurehead—a symbol of the King's Sovereignty—or is he to continue to be a link in the machinery of Government sustained by the full confidence of the Government at home, and able in consequence to exert influence in the Government of the Commonwealth?

If the Governor-General is to be anything more than a mere figurehead, it is essential that he should be fully informed on every question involving discussion between the British and Commonwealth Governments. So long as all communications pass through him, he is kept in touch with events from day to day, and is able to take counsel with his Prime Minister thereon. But if the Dominion Prime Minister is free to exchange communications not only with the Prime Minister at home, but also with departments of the Home Government without the knowledge of the Governor-General, the latter is not in a position to fulfil one of the main objects of his office.

This matter was fully represented to the Colonial Secretary by my predecessor both by telegram and despatch when the question of direct communication between the Home and Dominion Prime Ministers was under discussion in 1918, and I entirely agree with the views expressed by Sir Ronald Munro-Ferguson (now Viscount Novar) in his despatch of 25th July, 1918,* of which I append a copy.

On a recent occasion I found an opportunity to discuss with my Prime Minister the channel of communication in cases where he wished to communicate directly with the Prime Minister at home, and he then explained that, as a matter of principle, his wish was to cut out the Colonial Office only, not the Governor-General, and that, except on occasions of great urgency, his telegrams, etc., should be transmitted through the Governor-General. He assented to my view that even in those urgent cases, copies of the direct communication should be sent to me at once, so that I might be fully informed on matters of moment. But neither then, nor at any other time since his return from England, did he mention to me the further development which enables him to receive communications from the Foreign Office direct, without my knowledge.

In my opinion it is essential that the Governor-General should be fully informed as to all communications passing between his Prime Minister and the Home Government, and I have to ask that I should be furnished with copies of all such messages, both those received as well as those sent by the Home Government or its various departments. Only by such means can I be sure of being made aware of what may be vitally important matters.

It may be that in the opinion of the Government the time has now arrived when the scope of the Governor-General's duties should be modified, that he should no longer be regarded as a necessary part of the machinery of Government, and that his sphere should be limited to representing the Crown in the Dominions. If that be so, I should be glad to be so informed.

I have, &c.,
FORSTER,
Governor-General.

30395/S

No. 33.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by No. 34.]

(Commonwealth of Australia.)

(New Zealand.)

(Secret and Personal.)

MY LORD,

Downing Street, 19th August, 1922.

I HAVE the honour to acknowledge the receipt of Your Excellency's [Private] [Secret] and Personal despatch of the [16th of March†] [22nd of March‡] regarding the channel of communication to your Prime Minister of Confidential Foreign Office papers and other documents.

* No. 301 in Dominions No. 61.

† No. 31.

‡ No. 32.

2. I fully appreciate the point of view which you have expressed. So far as I am concerned, I can assure you that there was no intention of effecting any change in the position or functions of the Governor-General, and I much regret if you should think that you have been in any way shewn a lack of consideration in the matter.

3. The present practice as regards the communication of Secret documents to the Dominion Prime Ministers dates back to 1918, when it was decided at the close of the Imperial War Conference of that year that "important papers pertinent to the business of the Imperial War Cabinet should be forwarded to the Prime Minister" when the Imperial War Cabinet was not in session, and the proposals which were approved at the Imperial Meetings, 1921, confirmed, though they amplified, this practice. In this connexion I may also refer to Mr. (now Viscount) Long's Confidential despatch Dominions No. 442 of the 15th of August, 1918.*

4. You will have seen from my Private and Personal telegram of the 11th of July† that the defect to which you have drawn attention has now been remedied. I hope that the new arrangement will be found satisfactory, and that the Foreign Office papers and the other documents which will in future be sent to you, as well as to your Prime Minister will be found to keep you adequately informed in regard to foreign affairs and the foreign relations of the Empire.

5. It is, of course, assumed, but the Secretary of State for Foreign Affairs has asked that this point may be emphasized, that the utmost care will be taken for the safe custody of such documents (which are often of an extremely confidential nature), and for their ultimate destruction by burning.

I have, &c.,

WINSTON S. CHURCHILL.

59807

No. 34.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4th December, 1922.)

(Secret and Personal.)

SIR,

Government House, Wellington, 19th October, 1922.

I HAVE the honour to acknowledge the receipt of, and to express my thanks for, your Secret and Personal despatch of the 19th August,‡ regarding the channel of communication of Secret and Confidential Foreign Office despatches and other documents.

2. So far as the copies intended for my use are concerned, the greatest care will be taken to ensure their safe custody, and I will see that they are destroyed by burning twice a year.

I have, &c.,

JELICOE.

Governor-General.

60001

No. 35.

NEW ZEALAND.

LORD JELICOE TO SIR J. MASTERTON SMITH.

(Received 4th December, 1922.)

(Personal.)

Government House, Wellington,

29th October, 1922.

DEAR MASTERTON SMITH,

I AM sending by this mail a Secret and Personal despatch§ on the subject of the Channel of Communication between the Colonial Office and my Prime Minister, which I shall be glad if you will arrange to be brought both to your notice and that of the Secretary of State.

* No. 294 in Dominions No. 61.

† 32672/S: not printed; it stated that copies of Foreign Office and Cabinet papers would in future also be sent to Governors-General.

‡ No. 33.

§ No. 36.

As you are aware, it was decided at the Imperial Conference in 1918, that direct communication between the Prime Minister of Great Britain and the Prime Ministers of the Self-governing Dominions should be instituted, the Governors-General being kept informed of any communications which may pass. This new departure in procedure naturally tended to belittle to some extent the office of the Governor-General, and objections were raised at the time by Lord Liverpool and Sir Ronald Munro Ferguson.

The decision at the Conference held in 1921 that copies of Foreign Office Papers and Cabinet Memoranda should also be sent to the Prime Ministers direct similarly met with objections on my part and on the part of Lord Forster, and this defect was subsequently remedied by the Colonial Office arranging that copies of the papers should also be sent to Governors-General.

Recently, however, commencing I think at the time of the Near Eastern Crisis, a further step was introduced, and the Secretary of State now sends communications himself to the Prime Ministers. This procedure, instituted whilst Mr. Churchill held the position of Secretary of State, has been continued under the Duke of Devonshire, and in a recent telegram to the Prime Minister, the phrase "*Your Government*" was even used. The New Zealand Government is my Government and distinctly not Mr. Massey's, although, of course, Ministers are his colleagues.

I think it is time to protest against such an innovation—hence my official despatch, which is expressed in mild terms.

The position of the Governor-General is greatly weakened by this procedure, which has no official sanction and which if continued (and, as will assuredly be the case, further enlarged upon) will lead eventually to the Governor-General becoming a mere cipher. I personally could not continue to hold the post under such conditions, and I doubt if any other Governor-General would find the position one which he would care to take.

It is not necessary to enlarge upon the weakening of the Imperial bond which is involved in lowering the status of His Majesty's Representative in the Dominions: and it is far more with this in my mind than with any personal consideration, that I have written my despatch.

Yours very sincerely,
JELLICOE.

60001

No. 36.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th December, 1922.)

(Secret and Personal.)

MY LORD DUKE, Government House, Wellington, 29th October, 1922.

I HAVE the honour to bring to the notice of Your Grace recent instances of telegraphic messages, addressed to me by the Secretary of State for the Colonies, being prefaced by the phrase "Following for your Prime Minister from me," and other similar preambles.

2. I am, of course, aware of the Imperial Conference discussions which culminated in the resolution affirming the right of Prime Ministers to communicate direct with each other on matters of Cabinet importance, should they so desire. The effect, so far as this Dominion is concerned, has been the transmission occasionally of messages from the Prime Minister of Great Britain to my Prime Minister (through the Governor-General), commencing usually with the words: "Following from Prime Minister for your Prime Minister." So far as I am aware, however, the resolution did not contemplate the extension of the procedure to messages from the Secretary of State for the Colonies.

3. From a perusal of the printed account of the proceedings of the Imperial Conferences, I gather that considerations of the dignity of Prime Ministers constituted the main reason for instituting the change, and although protests were made by Governors-General in office at the time, the new procedure was loyally

accepted, on the advice of the then Secretary of State for the Colonies, provided the Governors-General were either made the channel for such communications or were kept informed of them.

4. Perhaps I may be permitted, however, to point out to Your Grace that the dignity of the Crown, in the person of His Majesty's Representative, is also affected, and that any further incursion upon it would tend seriously to weaken the Imperial link. The Governor-General is the nominal head of the Government, and I beg respectfully to suggest that it is to the Governor-General, and to him alone, that communications from the Secretary of State for the Colonies, as the mouthpiece of the Sovereign and of His Majesty's Government, should be addressed both textually and otherwise.

5. In conclusion, I would invite Your Grace's perusal of my Secret and Personal despatch of the 22nd March last* on the subject of the transmission to the Dominions of copies of Foreign Office Confidential Papers, the terms of which met with the entire concurrence of my Prime Minister, as indicated in its concluding paragraph.

I have, &c.,
JELLICOE,
Governor-General.

* No. 31.

RESOLUTION XVI.: IMPERIAL MINERAL RESOURCES BUREAU.

The Imperial War Conference, having considered the memorandum by the Minister of Reconstruction on the Imperial Mineral Resources Bureau, as amended, agrees that the number of representatives of the mineral, mining, and metal industries on the Governing Body of the Bureau should be increased from four (as originally agreed) to six. The Conference further approves the proposal for a Charter of Incorporation as set out in paragraph 6 of the memorandum and the proposals in paragraphs 7 and 8 as to the allocation of expenditure.

(See pages 160-165 of *Dominions No. 73.*)

(The memorandum will be found on pages 236-238 of [Cd. 9177]).

4347

No. 37.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada,
(Commonwealth of Australia,
(New Zealand,
(Union of South Africa,
(Newfoundland.

} *Dominions No. 48.*)

[My LORD.] [SIR,]

Downing Street, 10th February, 1922.

With reference to my despatch *Dominions No. 107*, of the 17th March, 1921,* I have the honour to request [Your Royal Highness] [Your Excellency,] [you] to inform your Ministers that the Lords Commissioners of the Treasury have felt it incumbent on them, on account of the need for economy, to effect a reduction in the contribution from His Majesty's Government to the funds for the maintenance of the Imperial Mineral Resources Bureau, and that, according to present arrangements, it is proposed to ask Parliament to vote (in addition to the sum of £750 paid to the representative of the United Kingdom on the Bureau) the sum of £8,000 as a contribution for the year 1922-23, instead of £10,000, which was the amount contributed in 1921-22.

I have, &c.,

WINSTON S. CHURCHILL.

24009

No. 38.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada
(Commonwealth of Australia
(New Zealand
(Union of South Africa
(Newfoundland

} *Dominions No. 158.*)

[My LORD.] [SIR,]

Downing Street, 19th May, 1922.

With reference to Mr. Amery's despatch, *Dominions No. 107* of the 17th of March, 1921,* I have the honour to transmit to [Your Excellency], [Your Royal Highness], [you], for the information of your Ministers, copies of the Third Annual Report of the Imperial Mineral Resources Bureau, together with the Statement of Accounts.

2. With regard to the financial statement, I am informed that, although this shows a balance in hand at the moment of £8,991 11s. 4d., this balance will be largely absorbed at an early date in the current year in meeting expenditure already incurred. Rent, rates, taxes and maintenance charges have been paid only up to the 25th March, and there is a considerable sum due for stationery and publications since the 31st March, the actual amount of which has not yet been ascertained.

I have, &c.,

WINSTON S. CHURCHILL.

* 10753: not printed; it forwarded copies of the Second Annual Report.

RESOLUTION XVIII.: PETROLEUM.

The Conference takes note of the Memorandum on the question of Petroleum, and, having regard to the great and growing importance of petroleum and its products for Naval, Military, and industrial purposes, desires to commend the suggestions contained in the Memorandum to the serious consideration of the Governments concerned.

(See pages 167-184 of *Dominions No. 73.*)

28572

No. 39.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 40.]

(Confidential)

My LORD,

Downing Street, 11th August, 1922.

I HAVE the honour to refer to Your Excellency's Confidential despatch of the 17th of December, 1920,* on the subject of the position of the British Empire in respect of petroleum, in which you state that the Commonwealth Government fully realizes the extremely unsatisfactory position, and the necessity for development of the oil-fields in British territories.

2. In this connexion your Ministers may wish to consider the following observations which have been submitted by the Petroleum Department regarding the Northern Territory Mineral Oil and Coal Ordinance, 1922.

3. Up to the present time, according to the information at the disposal of the Petroleum Department, the efforts made in Australia to discover supplies of petroleum on a commercial scale have been unfortunate, nor do the prospects of greater success being achieved in future appear at the moment particularly encouraging. It is represented as being all the more important, therefore, that every inducement should be given to companies of good standing, who are prepared to undertake serious geological investigation to prospect for oil in the Commonwealth.

4. But the initial expenses attendant upon the commercial development of an oil-field under modern conditions are so heavy that no company can be expected to incur them unless assured of the possibility of obtaining leases over a fairly extensive area, from which an adequate return can be secured.

5. The Northern Territory Mineral Oil and Coal Ordinance, 1922, while allowing a prospecting licence to be granted covering an area of 1,000 square miles, limits the area to be held under a mineral oil lease to 160 acres, and the licensee has no preferential right to more than one lease. The effect of thus limiting the area over which the holder of a prospecting licence has a preferential right to a mining lease, can only be to encourage the small speculator who usually attempts to operate without locating his wells on a scientific basis, and without sufficient capital resources, and to deter the larger oil interests who can provide the necessary capital and technical experts from taking any part in the development of the country.

6. It is understood that in India the maximum area of an oil mining lease is fixed at 10 square miles, and it is suggested that this would be a more appropriate unit of area for a country such as Australia. It should be borne in mind that the Government could always refuse to grant leases up to the maximum in cases where it appeared that a smaller area would be sufficient.

7. To some extent the result aimed at might perhaps be met if one person were allowed to hold several leases of the size now laid down; but it is the considered view of the Petroleum Department that even if such an arrangement were made, it should not affect the right of the holder of a prospecting licence to acquire the preferential right to a mining lease over a much wider area than at present permitted.

8. As your Ministers will be aware, similar restrictions upon the size of leased areas are in force in some of the Australian States, but it is thought more convenient

* No. 256 in *Dominions No. 73.*

that the question should be discussed in the first place with the Commonwealth Government. It is to be hoped, however, that if your Ministers see their way to amend the Northern Territory Ordinance, it will be possible for similar action to be taken by the State Governments.

I have, &c.,
WINSTON S. CHURCHILL.

63660

No. 40.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28th December, 1922.)

(Confidential.)

MY LORD DUKE, Governor-General's Office, Melbourne, 13th November, 1922.

WITH reference to your predecessor's Confidential despatch dated 11th August, 1922,* on the subject of the position of the British Empire in respect of petroleum, I have the honour to inform Your Grace that I am advised by my Prime Minister that the Commonwealth Government has considered the observations submitted by the Petroleum Department regarding the Northern Territory Mineral Oil and Coal Ordinance, 1922, and has decided to grant a lease of 640 acres of land, as a reward area, to each holder of a mineral oil licence who discovers payable mineral oil, in addition to the area of 160 acres provided for by the Ordinance.

My Prime Minister adds that steps are being taken to amend the Mineral Oil and Coal Ordinance, 1922, accordingly.

I have, &c.,
FORSTER,
Governor-General.

* No. 39.

RESOLUTION XIX: NATURALIZATION.

This Conference is of opinion that legislation should be passed throughout the Empire restricting, for a period after the War, so far as in the circumstances of each country may be possible, the naturalization of citizens of present enemy countries, and also the acquisition by them of any form of political rights or of land or mining privileges.

[The Government of the Dominion of Canada abstained from voting; the Government of the Union of South Africa recorded dissent.]

RESOLUTION XX: NATIONALITY AND NATURALIZATION.

The Conference refers to the Resolution X passed by the Imperial War Conference, 1917, recognizing the desirability and importance of securing uniformity of policy and action throughout the Empire with regard to naturalization, and recommends that a special Conference, representative of all parts of the Empire, should be held at the earliest practicable date to examine and report in the light of that Resolution upon any question connected with nationality or naturalization which any Government represented at the special Conference may desire to raise, and upon any suggestions which may be made for the amendment of the existing law.

(See pages 185-190 of Dominions No. 73, and page 105 of this volume.)

61283

No. 41.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.5 a.m., 6th January, 1922.)

TELEGRAM.

[Answered by No. 44.]

REFERRING to your despatch of 2nd November, No. 717,* His Majesty's Government welcome decision of Union Government to introduce legislation next session adopting Part II of Nationality and Status of Aliens Act. Secretary of State for Home Affairs feels, however, that legislation at present stage on lines of amendments proposed my despatch of 10th September, No. 303,† may give rise to difficulty seeing that these amendments have been submitted to all Dominion Governments for consideration, and may undergo alteration both in substance and form before they are agreed. In these circumstances hoped that your Ministers will be able to arrange to omit these amendments from present Union Bill. Please telegraph reply.— SECRETARY OF STATE FOR THE COLONIES.

3341

No. 42.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st January, 1922.)

(No. 425.)

SIR, Governor-General's Office, Melbourne, 12th December, 1921.

Referring to your despatch dated 10th September, 1921, No. 364,† covering a copy of a draft Bill to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, and asking for an expression of the views of my Ministers thereon, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government offers no objection to the proposed amendments.

I have, &c.,
FORSTER,
Governor-General.

* No. 272 in Dominions No. 73.

† No. 271 in Dominions No. 73.

6928

No. 43.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th February, 1922.)

[Answered by No. 52.]

(No. 293.)

SIR, Government House, Wellington, 23rd December, 1921.
 WITH reference to your despatch No. 176, of the 10th September,* relative to the British Nationality and Status of Aliens Bill, I have the honour to inform you that the Government of New Zealand is in entire accord with the intention of the amendment proposed by the draft Bill which accompanied your despatch, and also approves of the terms of the Bill as effecting that intention.

2. My Government is still unable to agree that it is advisable for New Zealand to adopt Part II for the reasons stated in the Attorney-General's memorandum of the 22nd July, 1919, printed copies of which were transmitted to your predecessor in Lord Liverpool's despatch, Secret (2), of the 28th August, 1919,† but as Sir Francis Bell, Attorney-General, will be in London between May and October of next year, it is hoped that an opportunity may be afforded him then for further discussion on the subject with the English Law Officers.

I have, &c.,

JELLICOE,
Governor-General.

8950

No. 44.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th February, 1922.)

(No. 29.)

SIR, Governor-General's Office, Pretoria, 31st January, 1922.
 I HAVE the honour to transmit to you herewith, with reference to your telegram of the 6th January,‡ copy of a minute from Ministers on the subject of the Union Nationality and Naturalization Bill.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 44.

MINUTE No. 61.

Prime Minister's Office, Pretoria, 26th January, 1922.

WITH reference to His Royal Highness the Governor-General's minute No. 48/1238, of the 7th January, 1922, in regard to the proposed amendments to the British Nationality and Status of Aliens Act, Ministers have the honour to state that at present there is little prospect of proceeding with the Union Nationality and Naturalization Bill during the coming Session, but in the event of the Bill being proceeded with the wishes of His Majesty's Government in regard to omitting the proposed amendments will be met.

J. C. SMUTS.

* No. 271 in Dominions No. 73.

† No. 268 in Dominions No. 73

‡ No. 41.

8566

No. 45.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Sent 12.10 p.m., 4th March, 1922.)

TELEGRAM.

[Answered by Nos. 46, 47, and 49.]

(Canada.)

(Newfoundland.)

4TH MARCH. My despatch 10th September,* British Nationality Act. Governments of Commonwealth of Australia, New Zealand, Union of South Africa and India have agreed to proposed legislation. Should be glad to receive early expression of the views of your Ministers.—SECRETARY OF STATE FOR THE COLONIES.

17845

No. 46.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.15 a.m., 14th April, 1922.)

TELEGRAM.

[Answered by No. 48.]

14TH APRIL. Your telegram 4th March,† British Nationality Act. My Ministers propose to introduce Bill.—HARRIS.

18211

No. 47.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.20 p.m., 17th April, 1922.)

TELEGRAM.

17TH APRIL. Your despatch, 10th September, No. 493 of 1921,* Naturalization. Minute of Council approved 12th April, intimating that Government of Canada agree to enactment of Bill in form of draft forwarded. Despatch‡ follows by mail.—BYNG.

17945

No. 48.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 3.10 p.m., 22nd April, 1922.)

TELEGRAM.

22ND APRIL. Your telegram of 14th April.§ His Majesty's Government glad to learn that Government of Newfoundland agree to proposed amendment of Nationality Acts. They hope, however, that your Ministers will defer introduction of corresponding Bill in Newfoundland Legislature until Imperial legislation passed.—SECRETARY OF STATE FOR THE COLONIES.

* No. 271 in Dominions No. 73.

† No. 45.

‡ No. 49.

§ No. 46.

20236

No. 49.
CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th April, 1922.)

(No. 213.)

SIR, Government House, Ottawa, 18th April, 1922.
WITH reference to your despatch, No. 493 of the 10th September last,* enclosing a copy of a draft Bill to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, I have the honour to transmit herewith copies of an Approved Minute of the Privy Council for Canada, intimating the Canadian Government's agreement to the enactment of the Bill as forwarded.

It was upon this Minute that my telegram of the 17th instant† was based.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 49.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED
BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON 12TH APRIL, 1922.

(P.C. 768.)

THE Committee of the Privy Council have had before them a report, dated 27th March, 1922, from the Honourable the Secretary of State for External Affairs, to whom was referred a despatch, dated the 10th September, 1921, from the Right Honourable the Secretary of State for the Colonies, forwarding copies of a draft Bill which had been prepared to give effect to the recommendation of the recent Imperial Conference in respect of proposals contained in a memorandum submitted to the Conference regarding the nationality of the children born abroad of British parents.

The Minister submits that the draft Bill, the general effect of which is to extend, under restrictions, British nationality to descendants of British subjects born out of His Majesty's Dominions beyond the first generation, has been under the consideration of the Minister of Justice and of the Secretary of State for Canada, both of whom approve its terms.

The Committee, concurring in such approval, advise, on the recommendation of the Secretary of State for External Affairs, that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies, by telegraph, that the Canadian Government agree to the enactment of the Bill in the form of the draft forwarded with Mr. Secretary Churchill's despatch above referred to.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

27929

No. 50.

COMMONWEALTH OF AUSTRALIA

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12th June, 1922.)

[Answered by No. 54.]

(No. 185.)

SIR, Governor-General's Office, Melbourne, 2nd May, 1922.
I HAVE the honour, at the instance of my Prime Minister, to refer to the British Nationality and Status of Aliens Act, 1914, Part II. of which has been

* No. 271 in Dominions No. 73.

† No. 47.

adopted by the Commonwealth Nationality Act, 1920, and which provides that a Certificate of Naturalization shall not be granted to any person under "disability," the definition of which term includes "the status of being a married woman."

This provision has resulted in Australia in the infliction of considerable hardship upon certain women of British birth, who have married unnaturalized aliens and been deserted by them, but who are nevertheless not eligible to re-acquire their former British nationality.

As an illustration, the case may be cited of a woman born in England, who emigrated to South Australia, where in 1885 she married a German. In 1912 her husband deserted her and returned to Germany. Since his departure he has not written to her nor sent her money, and she has had to earn a living as best she could. She was the mother of ten children. The eldest son served in the Light Horse in the late War, and returned to Australia a cripple. In 1920 the woman had a paralytic stroke, and was ill for a considerable time, and partially lost her memory. In the following November she became sixty years of age, and desired to apply for an old-age pension, but was debarred as she had ceased to be a British subject, and was ineligible, as a married woman, to take steps to re-acquire British nationality. Her children, who are all married, are not in a position to support her. Fourteen of her male relations, including sons, grandsons, and nephews, served in the late War, and three of them were killed.

Other women of British birth married to unnaturalized aliens have also been deserted by their husbands or been separated from them. These women have been precluded from exercising privileges which they enjoyed prior to marriage, and, in cases of destitution, such as that mentioned in the preceding paragraph, have been unable to obtain the much needed relief of an old-age pension.

In this connexion my Ministers desire me to invite attention to the war-time provision of the British Act which permits of the re-admission of married women to British nationality in certain circumstances, of which the corresponding section 18 (3) of the Commonwealth Nationality Act, 1920, reads as follows:—

"Provided also where an alien is a subject of a State at war with His Majesty it shall be lawful for his wife, if she was at birth a British subject, to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State (Governor-General), if he is satisfied that it is desirable that she be permitted to do so, may grant her a Certificate of Naturalization."

Although this provision is applicable only during war time, it establishes a principle which it is thought might with advantage be extended to British-born women in meritorious cases at all times.

It is thought that in all probability the experience of Australia in this regard has also been the experience of the United Kingdom and of the Dominions which have adopted Part II. of the British Act. If these proposals commend themselves to His Majesty's Government, it is suggested by my Ministers that the other Dominions which have adopted Part II. of the British Act be approached with the view of ascertaining whether they would be agreeable to an amendment of the law for the purpose of conferring upon British-born women the right of re-acquiring British nationality in cases where they have lost such nationality through marriage with unnaturalized aliens, and have been deserted by their husbands.

My Ministers point out that if the power under Section 5 (2) of the British Act (and Section 10 (2) of the Commonwealth Nationality Act) to grant naturalization in special cases to "minors," who are as a class subject to the same general "disability" as "married women," were extended to cover "married women of British birth," all requirements in respect of the question now under notice would be met.

I have, &c.,

FORSTER.

Governor-General.

31952

No. 51.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 246.)

[MY LORD,] [SIR,]

Downing Street, 22nd July, 1922.

WITH reference to my despatch [No. 493] [No. 364] [No. 176] [No. 303] [No. 133] of the 10th of September, 1921,* I have the honour to transmit to [Your Excellency] [Your Royal Highness] [you] to be laid before your Ministers, copies of the British Nationality and Status of Aliens Bill† as introduced into Parliament.

2. It will be observed that certain changes of a drafting character have been made, but the Bill remains identical in substance with that enclosed in my despatch under reference.

3. The Bill has been read a second time, and was committed to a Standing Committee on the 5th of July.

I have, &c.,

WINSTON S. CHURCHILL.

38302

No. 52.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 153.)

MY LORD,

Downing Street, 14th August, 1922.

WITH reference to paragraph 2 of Your Excellency's despatch No. 293 of the 23rd December, 1921,‡ regarding the adoption by New Zealand of Part II. of the British Nationality and Status of Aliens Act, 1914, I have the honour to request you to inform your Ministers that the subject has been further discussed by the Honourable Sir Francis Bell with representatives of the Home Office and of the Colonial Office.

2. Sir Francis Bell appeared to be considerably impressed by the intention of the Government of the Union of South Africa to introduce legislation to adopt Part II. of the Act, and he expressed the view that this circumstance necessitated a reconsideration of the position of New Zealand, and the intention of taking the matter up again on his return to the Dominion.

I have, &c.,

WINSTON S. CHURCHILL.

41300

No. 53.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.

Dominions No. 319.)

[MY LORD,] [SIR,]

Downing Street, 29th August, 1922.

WITH reference to my despatch, Dominions No. 246 of the 22nd of July,§ I have the honour to transmit to [Your Excellency] [Your Royal Highness] [you], for the information of your Ministers, copies of the British Nationality and Status of Aliens Act, 1922 (12 and 13 Geo. 5, Ch. 44).

I have, &c.,

WINSTON S. CHURCHILL.

* No. 271 in Dominions No. 73.

† Not printed: see No. 53.

‡ No. 43.

§ No. 51.

38749

No. 54.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 334.)

MY LORD,

Downing Street, 19th September, 1922.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 185 of the 2nd of May,* regarding the question of the restoration of British nationality to deserted British-born wives of aliens.

2. The experience of the United Kingdom bears out that of Australia in regard to the difficulties and hardships resulting from the marriage of British-born women to alien husbands, who subsequently desert them, and it is recognized that the matter is one that may need to be dealt with by legislation, and that any such legislation of a general character affecting the nationality of married women should be discussed between the different parts of the Empire. As Your Excellency's Ministers are aware this question was one of those which it was hoped would be further considered by the special conference on nationality which arose out of the Imperial Conference of 1918.

3. For the moment, however, it appears desirable to await the result of the deliberations of a Select Committee of the House of Commons on a Bill, entitled "The British Nationality (Married Women) Bill," which has been introduced by Sir John Butcher, M.P. A copy of this Bill is enclosed. The discussion before the Committee of the various difficulties, to which the provisions of that Bill might give rise, may afford suggestions for amending legislation, which it will be advantageous to circulate for the consideration of the Dominions. A further communication will be sent to you on this matter.

4. In the meantime, the Secretary of State for Home Affairs has pointed out that particular difficulties, such as that in relation to the eligibility of a British-born woman for an Old Age Pension can be dealt with conveniently by special provision, such as that made in the United Kingdom in Section 3 (1) of the Old Age Pensions Act, 1911, as amended by Section 2 (2) of the Old Age Pensions Act, 1919, namely, to the effect that a British-born woman is not disqualified for a pension merely by reason that she became an alien by marriage.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 54.

A BILL TO AMEND THE BRITISH NATIONALITY AND STATUS OF ALIENS ACTS, 1914 A.D. 1922,
AND 1918, SO FAR AS AFFECTS MARRIED WOMEN.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the British Nationality (Married Women) Act, 1922. Short title.

2. Sections ten and eleven of Part III. of the British Nationality and Status of Aliens Act, 1914 (hereinafter called the principal Act) are hereby repealed, and the following provisions are substituted for them:—

- (1) A woman who is a British subject shall not lose or be deemed to lose her British nationality by reason of her marriage with an alien:
- (2) A woman who at the time of her marriage was a natural born or a naturalized British subject, and who by reason of her having or at any time having had an alien husband has been deemed to be an alien, shall be deemed to be a natural born or a naturalized British subject as the case may be, unless she makes a declaration of alienage within one year after this Act comes into force, or being abroad at the time this Act comes into force within one year after she returns to British soil, and section two (5) of the principal Act is hereby repealed:
- (3) An alien woman shall on her marriage to a British subject be deemed to be an alien.

National
status of
married
women.

- (4) A woman who before the coming into force of this Act has by reason of her marriage with a British subject been deemed to be a British subject shall continue to be a British subject unless she makes a declaration of alienage.

Grant of certificate of naturalization to a married woman.

Loss of British nationality of a married woman.

Repeals.

Definition.

3. A woman notwithstanding marriage shall be competent to apply for and to receive a grant of a certificate of naturalization under the same conditions as a man.

4. A woman who is a British subject shall, notwithstanding marriage, cease and be deemed to have ceased to be a British subject under the same conditions as a man and under no others, and the naturalization by marriage under the law of another state shall not be deemed to be naturalization by a voluntary and formal act in section thirteen of the principal Act.

5. Section seven (A) (1) of the principal Act is amended as follows, namely:—

(a) In lines 2 and 7 the words "wife and" are repealed.

(b) Subsection seven (A) (1) (b) is repealed.

(c) In subsection seven (A) (2) the words "wife and" are repealed.

6. In section twenty-seven (1) of the principal Act the words "a married woman, or" are hereby repealed.

7. In this Act, unless the context otherwise requires, the expression "British subject" shall have the same meaning as in the principal Act as amended by the British Nationality and Status of Aliens Act, 1918.

44993

No. 55.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 56.]

(Canada. No. 456.)

(New Zealand. No. 177.)

(Union of South Africa. No. 253.)

(Newfoundland. No. 139.)

[My LORD] [SIR,]

Downing Street, 19th September, 1922.

I HAVE the honour to transmit to [Your Excellency] [Your Royal Highness] [you], for the information of your Ministers, copies of correspondence* with the Governor-General of the Commonwealth of Australia regarding the question of the restoration of British nationality to deserted British-born wives of aliens.

I have, &c.,

WINSTON S. CHURCHILL.

58896

No. 56.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th November, 1922).

(No. 571).

MY LORD DUKE, Governor-General's Office, Pretoria, 2nd November, 1922.

WITH reference to your predecessor's despatch, No. 253 of the 19th September,† I have the honour to transmit the accompanying copy of a Minute from my Ministers regarding the restoration of British nationality to deserted British-born wives of aliens.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

* Nos. 50 and 54.

† No. 55.

Enclosure in No. 56.

MINUTE 849.

Prime Minister's Office, 1st November, 1922.

WITH reference to His Royal Highness the Governor-General's Minute No. 48/1308 of the 12th October, 1922, on the subject of the restoration of British nationality to deserted British-born wives of aliens, Ministers note that a Bill has been introduced into the Imperial Parliament to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, so far as married women are affected thereunder, but as the result of the deliberations of a Select Committee of the House of Commons the provisions of that Bill are likely to be amplified.

Ministers would be glad to be informed if and when the Bill becomes law, as it is the intention to incorporate its provisions in the Union Nationality and Naturalization and Status of Aliens Bill which it is hoped to introduce into Parliament at the forthcoming session.

J. C. SMUTS.

62497

No. 57.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 19th December, 1922.)

(No. 149.)

MY LORD DUKE,

Government House, St. John's, 5th December, 1922.

I HAVE the honour to acknowledge the receipt of your predecessor's despatch No. 133 of the 10th September, 1921,* on the subject of an amendment to the British Nationality and Status of Aliens Acts, 1914 and 1918, and to inform you that instructions have been issued to the Law Clerk of the Legislature to draft legislation for the next session in order that the 1918 amendments of this Act may be adopted.

I have, &c.,

W. L. ALLARDYCE.

* No. 271 in Dominions No. 73.

RESOLUTION XXI.: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE DOMINIONS.

The Imperial War Conference is of opinion that effect should now be given to the principle of reciprocity approved by Resolution XXII of the Imperial War Conference, 1917. In pursuance of that Resolution it is agreed that:—

1. It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities.

2. British citizens domiciled in any British country, including India, should be admitted into any other British country for visits, for the purpose of pleasure or commerce, including temporary residence for the purpose of education. The conditions of such visits should be regulated on the principle of reciprocity as follows:—

(a) The right of the Government of India is recognized to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country.

(b) Such right of visit or temporary residence shall, in each individual case, be embodied in a passport or written permit issued by the country of domicile and subject to *visé* there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires.

(c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

3. Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each such Indian and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

4. The Conference recommends the other questions covered by the memoranda presented this year and last year to the Conference by the representatives of India in so far as not dealt with in the foregoing paragraphs of this Resolution to the various Governments concerned with a view to early consideration.

Secretariat Note.—The correspondence on this subject is printed in Dominions No. 85. The Memoranda referred to in the above Resolution will be found on pages 159-162 of [Cd. 8586] and on pages 245-248 of [Cd. 9177].

IV.

IMPERIAL MEETINGS, 1921.

Summary of Proceedings and Documents [Cmd. 1474.]

SECTION VI (a).—IMPERIAL DEFENCE—NAVAL.

That while recognizing the necessity of co-operation among the various portions of the Empire to provide such Naval Defence as may prove to be essential for security, and while holding that equality with the naval strength of any other Power is a minimum standard for that purpose, this Conference is of opinion that the method and expense of such co-operation are matters for the final determination of the several Parliaments concerned, and that any recommendations thereon should be deferred until after the coming Conference on Disarmament.

Secretariat Note.—See Defence Print (Dominions No. 82) and Washington Conference Section in Treaties Print (Dominions No. 81). This and subsequent "Sections" refer to the sections on pages 6-9 of [Cmd. 1474].

SECTION VII (a): IMPERIAL AIR COMMUNICATIONS.

The Conference having carefully considered the Report of the expert Sub-Committee on Imperial Communications are of the opinion that the proposals contained therein should be submitted for the consideration of the Governments and Parliaments of the different parts of the Empire.

On the understanding that the cost involved will be in the region of £1,800 per month they recommend that, pending such consideration, the existing material, so far as useful for the development of Imperial Air Communications, should be retained.

(See pages 228-230 of *Dominions No. 73*.)

(The Report is printed on page 45 and following of [Cmd. 1474].)

(1) Proposed Imperial Air Service.

427

No. 58.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.16 p.m., 3rd January, 1922.)

TELEGRAM.

3RD JANUARY. My telegram 13th December.* Aerial communication. Concluding words of Parliamentary Resolution were "for the establishment of an experimental two-year service." Please have message corrected accordingly.—GOVERNOR-GENERAL.

427

No. 59.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 12.35 p.m., 5th January, 1922.)

TELEGRAM.

(New Zealand.)
(Union of South Africa.)

REFERRING to my telegram of 19th December,† Airships. Concluding words of Commonwealth Parliamentary Resolution should read "for the establishment of an experimental two-year service."—SECRETARY OF STATE FOR THE COLONIES.

948

No. 60.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.10 a.m., 7th January, 1922.)

TELEGRAM.

6TH JANUARY. Your telegram 13th December,‡ Air Communication. My Ministers regret that in view of financial position and present stage of development in air communication they do not feel warranted in placing any proposal for expenditure in this connexion before forthcoming Session of Parliament.—ARTHUR FREDERICK.

* No. 333 in *Dominions No. 73*.† No. 334 in *Dominions No. 73*.‡ No. 331 in *Dominions*

No. 73.

948

No. 61.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.10 p.m., 9th January, 1922.)

TELEGRAM.

(Commonwealth of Australia.)
(New Zealand.)

My telegram of 13th December.* In view of financial position and present stage of development in air communication Government of Union of South Africa regret that they do not feel warranted in placing any proposal for expenditure in connexion with Imperial Air Service before forthcoming Session of Parliament.—SECRETARY OF STATE FOR THE COLONIES.

11450

No. 62.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 8 p.m., 8th March, 1922.)

TELEGRAM.

YOUR telegram 13th December.† Following for your Prime Minister:—

Begins: His Majesty's Government have given very careful consideration to proposal of Commonwealth Government regarding Imperial Airship Service. In view of financial difficulties of present time and inability of Governments of New Zealand and Union of South Africa, as well as of Government of India, to participate, they have with much regret come to conclusion that they are no longer justified in maintaining airships and airship establishments as proposed by you. Air Council accordingly have found it necessary to proceed with arrangements for handing over to Disposal Commission airships and airship establishments and material. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

11450

No. 63.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 6 p.m., 9th March, 1922.)

TELEGRAM.

(New Zealand.)
(Union of South Africa.)

9TH MARCH. My telegram 19th December.‡ Following is reply sent to Prime Minister of Commonwealth of Australia:—

Begins: His Majesty's Government [*See No. 62*] establishments and material. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

* No. 331 in *Dominions No. 73*.† No. 333 in *Dominions No. 73*.‡ No. 334 in *Dominions*

No. 73.

(2) Civil Aviation Advisory Board.

1329

No. 64.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 66 and 68.]

(Canada.	} Dominions No. 3.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD.] [SIR,]

Downing Street, 4th January, 1922.

WITH reference to my predecessor's despatch Dominions No. 551 of the 10th July, 1919,* and connected correspondence, I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Standing Advisory Committee on Civil Aviation has not met for a considerable time, and that the Air Council now think it desirable formally to dissolve it and to set up a new body more closely related to the Air Ministry, to be called the Civil Aviation Advisory Board.

2. It is proposed that the terms of reference of the Board should be:—

"To advise generally on the development of Civil Aviation, and to report upon any specific point which may from time to time be referred to it by the Secretary of State for Air."

The composition of the Board, as at present proposed, will be as follows:—

The Under-Secretary of State for Air—Chairman;

The Controller-General of Civil Aviation;

The Director-General of Supply and Research;

A representative of the General Post Office;

" " " " Associated Chambers of Commerce;

" " " " Royal Aeronautical Society;

" " " " Air League of the British Empire;

" " " " Royal Aero Club;

" " " " Society of British Aircraft Constructors;

" " " " Lloyds,

and/or Secretary.

3. The Air Council are anxious that, in the arrangements for creating a new body, the interests of the oversea Dominions should not be overlooked; they do not think, however, that there would be much practical advantage in having representatives of the self-governing Dominions as permanent members of this Board.

4. The Air Council suggest that the most convenient arrangement, from an administrative point of view, would be that, as in the case of the Standing Advisory Committee, the new Board (which will meet once a month) should have the power of calling into consultation a representative of any Dominion whenever a point arises which may concern the Dominion in question. It would, therefore, be convenient that some person should be nominated by the Governments concerned whom the Board could consult should occasion arise. If your Ministers concur the Air Council would be glad if they would appoint some suitable person as their representative for this purpose. The Air Council would propose to notify this provision of the Board's constitution in the public notice to be issued on the subject.

5. In view of the fact that the Air Council desire to make an early announcement on the matter, it would be convenient if you could communicate your Ministers' views to me by telegraph.

I have, &c.,

WINSTON S. CHURCHILL.

* 38219: not printed; it announced the appointment of the Standing Advisory Committee on Civil Aviation.

64273

No. 65.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 4.5 p.m., 6th January, 1922.)

TELEGRAM.

[Answered by Nos. 67, 69 and 70.]

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

My despatch 10th July, 1919, Dominions No. 551.* Air Council consider it desirable to replace Standing Advisory Committee Civil Aviation by new body more closely related to Air Ministry, to be called Civil Aviation Advisory Board. Proposed terms of reference are to advise generally on development of civil aviation and report upon any specific point referred to it by Secretary of State for Air. Proposed composition: Chairman, Under-Secretary of State for Air; Members, Controller-General Civil Aviation, Director-General Supply and Research, representatives of General Post Office and six unofficial bodies concerned with aviation. Air Council anxious not to overlook interests of Dominions, but do not consider permanent representation of much practical advantage, and suggest that Board should consult representatives of Dominions when occasion arises as in case of Advisory Committee. If your Ministers concur, please telegraph name of representative nominated, as it is desired to announce formation of Board, 7th February. Despatch† sent 4th January.—SECRETARY OF STATE FOR THE COLONIES.

3869

No. 66.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.55 p.m., 23rd January, 1922.)

TELEGRAM.

[Answered by No. 71.]

23RD JANUARY. Your despatch 4th January,† Dominions No. 3, and your telegram 23rd January,‡ Civil Aviation. Air Board concurs in suggestion, though at the present moment it is not possible to nominate Canadian representative resident in Great Britain. Later on it is not unlikely that questions will arise affecting relations between Canada and United States, and their importance may render it advisable for Air Board to send from Canada to participate [? in discussion] of them official conversant with local conditions. Air Board request that if there is no objection, proceedings of Civil Aviation Advisory Board may be communicated to Government of Canada.—BYNG.

4196

No. 67.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.25 p.m., 25th January, 1922.)

TELEGRAM.

25TH JANUARY. Your telegram 6th January,§ Civil Aviation Advisory Board. Ministers concur in Air Council's views, and state that Union High Commissioner in London will represent Union of South Africa should occasion arise for consultation with representatives of self-governing Dominions.—ARTHUR FREDERICK.

* 38219: not printed; it announced the appointment of the Standing Advisory Committee on Civil Aviation. † No. 64. ‡ 64273: reminder; not printed. § No. 65.

5073

No. 68.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12.5 a.m., 1st February, 1922.)

TELEGRAM.

31ST JANUARY. Your telegram 23rd January,* your despatch 4th January,† Civil Aviation. My Ministers nominate High Commissioner or, as an alternative, Secretary to High Commissioner.—HARRIS.

5072

No. 69.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.0 a.m., 1st February, 1922.)

TELEGRAM.

1ST FEBRUARY. Your telegram 6th January,‡ Civil Aviation Advisory Board. Government of Commonwealth of Australia nominates Squadron Leader E. Harrison, official representative in London of Australian Air Service, to represent Australia.—GOVERNOR-GENERAL.

5976

No. 70.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.45 a.m., 7th February, 1922.)

TELEGRAM.

7TH FEBRUARY. Your telegram 6th January,§ My Government does not desire to appoint permanent representative to the Civil Aviation Advisory Board, but suggest that High Commissioner for New Zealand be consulted when the occasion arises.—JELlicoe.

11791

No. 71.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 143.)

MY LORD.

Downing Street, 18th March, 1922.

WITH reference to Your Excellency's telegram of the 23rd of January,§ I have the honour to request you to inform your Ministers that, in connexion with the request of the Canadian Air Board to receive copies of the proceedings of the Civil Aviation Advisory Board, the Air Council state that the minutes of the Board are likely merely to be informal records of the views expressed by individual members, and will not necessarily bear any close relation to the conclusions of the Board.

* 64273: reminder; not printed. † No. 64. ‡ No. 65. § No. 66.

71

2. While they regret that it seems impracticable to undertake to forward copies of the proceedings of the Board, the Air Council will be prepared to meet the wishes of the Canadian Air Board in the matter so far as possible; it is understood, for instance, that there may be unpublished reports presented to the Secretary of State for Air which can be forwarded in addition to such reports as may be published.

I have, &c.,

WINSTON S. CHURCHILL.

Secretariat Note.—The Report of Progress of Civil Aviation [Cd. 1710] was sent to the Dominions by Dominions despatch No. 262, of 31st July, 1922 (35426/22).

The First Report by the Civil Aviation Advisory Board [Cd. 1739] on Imperial Air Mail Services, was sent to the Dominions by Dominions despatch No. 307, of 22nd August, 1922 (39827/22).

SECTION VII (b):—IMPERIAL WIRELESS SCHEME.

It is agreed that His Majesty's Government should take steps for the erection of the remaining stations for which they are responsible as soon as the stations are designed; that the Governments of Australia, the Union of South Africa, and India should take similar action so far as necessary, and that the Governments of Canada and New Zealand should also co-operate.

The above scheme was accepted by the Prime Minister of the Commonwealth subject to giving full freedom of action to Australia to decide the method in which Australia will co-operate.

(See pages 231-241 of *Dominions No. 73*.)

428

No. 72.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.2 p.m., 3rd January, 1922.)

TELEGRAM.

[Answered by No. 73.]

3RD JANUARY. Your despatch 19th November, No. 378.* Wireless Stations. Government of Union of South Africa will have pleasure in receiving Watson and Ward, who will be given every possible assistance. Government undertakes to waive Customs duties on any apparatus they may bring with them, and suggest they be supplied with copies of this telegram for presentation to port authorities.—ARTHUR FREDERICK.

1565

No. 73.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 17.)

SIR,

Downing Street, 13th January, 1922.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's telegram of the 3rd January,† and to request you to inform your Ministers that His Majesty's Government appreciate the arrangements made by your Government as regards the reception of Commander Watson and Major Ward in connexion with their proposed visit to carry out wireless tests.

2. Copies of my despatch No. 378 of the 19th November* and of your telegram of the 3rd January,† are being communicated to these officers.

I have, &c.,

WINSTON S. CHURCHILL.

4348

No. 74.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada,	} Dominions No. 44.)
(Commonwealth of Australia,	
(Union of South Africa,	
(New Zealand,	
(Newfoundland,	

[MY LORD.] [SIR,]

Downing Street, 4th February, 1922.

WITH reference to my predecessor's despatch Dominions No. 274 of the 3rd July, 1920,‡ I have the honour to transmit to [Your Excellency.] [Your Royal

* No. 351 in Dominions No. 73.

† No. 72.

‡ No. 340 in Dominions No. 73.

Highness,] [you,] to be laid before your Ministers, copies of a Parliamentary Paper ([Cmd. 1572]), containing the Report of the Wireless Telegraphy Commission.

2. The terms of reference of the Commission will be found in paragraph 1 of the report.

I have, &c.,

WINSTON S. CHURCHILL.

4348

No. 75.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 81.]

(No. 80.)

MY LORD,

Downing Street, 13th February, 1922.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to paragraph 8 (page 3) and to Recommendation 13 (page 14) of the Report of the Wireless Telegraphy Commission ([Cmd. 1572]), copies of which were enclosed in my despatch Dominions No. 44 of the 4th February.*

2. His Majesty's Government endorse the Recommendation of the Commission that representatives of the Canadian Government should be invited to a technical conference to discuss with the Commission the possible participation of Canada in the scheme for the Imperial Wireless Chain.

3. I should be glad to know whether your Ministers concur in the proposal, and, if so, to be informed whom they would desire to nominate as representatives, and at what time it would be convenient to them that the Conference should take place.

I have, &c.,

WINSTON S. CHURCHILL.

4348

No. 76.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 81.]

(Secret.)

MY LORD,

Downing Street, 13th February, 1922.

WITH reference to my despatch No. 80 of the 13th February,† on the subject of the report of the Wireless Telegraphy Commission, I have the honour to request Your Excellency to draw the attention of your Ministers to correspondence which took place in the latter part of 1920, and more particularly to the Duke of Devonshire's Secret despatch of the 13th December, 1920,‡ relative to the Report of the Imperial Wireless Telegraphy Committee, 1919-20 ([Cmd. 777]) and to the issue of licences for wireless stations in Canada for communication with foreign countries.

2. It will be observed from paragraph 1 of the enclosure to that despatch that the Canadian Government expressed themselves at that time as quite prepared to discuss the proposal for wireless communication by means of valve stations between the United Kingdom and Canada.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 74.

† No. 75.

‡ No. 347 in Dominions No. 73.

14644

No. 77.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.10 p.m., 25th March, 1922.)

TELEGRAM.

[Answered by No. 78.]

(Paraphrase.)

PRIVATE and Personal. It is reported to-day in London Press that your Prime Minister is about to sign an agreement for direct wireless communication with Great Britain with the Amalgamated Wireless Company. I had expected a reply to my telegram of the 19th December,* in view of the considerations mentioned therein, before the Commonwealth Government reached a decision in the matter. Please ascertain position from your Prime Minister and report forthwith.

—SECRETARY OF STATE FOR THE COLONIES.

15674

No. 78.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.30 a.m., 1st April, 1922.)

TELEGRAM.

(Paraphrase.)

1ST APRIL. Private and Personal. I communicated tenour of your telegram of 25th March† at once to Prime Minister. We were both away all the week (? travelling) separately. I have just heard from him that agreement with Amalgamated Wireless Company was signed before your telegram was received. He told me that Imperial Conference gave full freedom of action to Australia, and that he did not understand it to be affected by your telegram of 19th December.*

—FORSTER.

15842

No. 79.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 8.0 p.m., 3rd April, 1922.)

TELEGRAM.

[Answered by Nos. 80 and 85.]

PLEASE telegraph whether terms of agreement with Amalgamated Wireless Company as signed by your Prime Minister differ from draft published as Commonwealth Parliamentary Paper No. 170 ordered to be printed 9th December, and, if so, in what respects.—SECRETARY OF STATE FOR THE COLONIES.

17172

No. 80.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.13 a.m., 11th April, 1922.)

TELEGRAM.

11TH APRIL. Your telegram 3rd April‡ Many new clauses included in signed agreement with Amalgamated Wireless Company rendering telegraphing inexpedient. Sending copy§ by next mail.—GOVERNOR-GENERAL.

* No. 352 in Dominions No. 73. † No. 77. ‡ No. 79. § Enclosure in No. 85: not printed; see Commonwealth of Australia Parliamentary Paper No. 30 of 1922.

17938

No. 81.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 15th April, 1922.)

[Answered by No. 83.]

(No. 180.)

SIR,

Government House, Ottawa, 28th March, 1922.

WITH reference to your Secret despatch of the 13th February last and your despatch No. 80 of the same date,* on the subject of the Report of the Wireless Telegraphy Commission, and inquiring whether the Canadian Government concur in the proposal that representatives of the Dominion should take part in a technical conference to discuss with the Commission the possible participation of Canada in the scheme for the Imperial Wireless Chain, I have the honour to inform you that the Minister of the Naval Service has appointed Mr. G. J. Desbarats, C.M.G., Deputy Minister of the Naval Service, and Mr. C. P. Edwards, O.B.E., Director of Radiotelegraphs in that Department, as the representatives of the Canadian Government at the above-mentioned Conference.

It is suggested that, as there is a possibility of the International Radiotelegraph Conference being held in Paris this autumn, and as the two officials named will probably represent Canada at that Conference, the discussion with the Commission might be postponed until that time. If, however, for any reason the International Radiotelegraph Convention is likely to be delayed, arrangements will be made for the two representatives of the Canadian Government to proceed to England at a convenient time after the close of the present Session of the Dominion Parliament.

I have, &c.,

BYNG OF VIMY.

19699

No. 82.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.22 p.m., 25th April, 1922.)

TELEGRAM.

[Answered by No. 91.]

(Paraphrase.)

24TH APRIL. Prime Minister intimated at the Imperial Conference, 1921, that South Africa was desirous of obtaining long-distance wireless communication with Great Britain and with other European countries, and would be prepared to enter into discussions as to the practicability of this through medium of proposed scheme for Imperial Wireless Chain.

Ministers refer to the recommendation of the "Norman" Committee that Windhoek Station should be put into condition to act as South African station in chain 2,000 miles (? ranges) communicating with the station at Nairobi, and they state that though the "Milner" Commission favoured the erection of an entirely new station near Johannesburg, they have despatched two experts to visit Egypt, East Africa, and the Union in connexion with sites. These experts have not yet reached the Union.

The most important feature of the latest report is the admission that, in view of the development of wireless telegraphy since the subject of the Imperial Chain was first discussed, it would be practicable for some of the most distant stations to work direct during favourable periods of the day to the terminal point in Great Britain without retransmission through intermediate stations.

The Union Government has been approached by the Marconi Wireless Telegraph Company who offer to construct a station in South Africa at its own expense, which it guarantees would provide satisfactory continuous direct working with Great Britain.

* Nos. 75 and 76.

Doctor Van der Byl, the technical adviser to the Union Government, while at the time he considered that the recommendation contained in the "Norman" report should be adopted, foreshadowed the time when direct communication over much longer distances than 2,000 miles ranges would be a regularly workable arrangement.

The Marconi Company claims that the time has arrived, and points out that the Commonwealth Government has entered into a contract with the Associated Company for the construction in Australia of a high-power station for direct working with Europe and elsewhere.

My Ministers propose in these circumstances to ask the Company to furnish full particulars of proposed scheme, but they would be glad to have views of His Majesty's Government before doing so. Advice in regard to the "Milner" Report, such as that which was contained in your telegram of 11th August, 1920,* has not yet been received by Ministers.

Request reply by telegraph.—ARTHUR FREDERICK.

21210

No. 83.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 99.]

(No. 249.)

MY LORD,

Downing Street, 13th May, 1922.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 180 of the 28th of March,† from which I have been glad to learn that Mr. G. J. Desbarats, C.M.G., Deputy Minister of the Naval Service, and Mr. C. P. Edwards, O.B.E., Director of Radiotelegraphs in that Department, have been selected by the Minister of the Naval Service to discuss the possible participation of Canada in the scheme for an Imperial Wireless Chain.

2. It seems likely that the International Radiotelegraph Conference will not be held until the spring of next year; in these circumstances it is thought that it would be of advantage if Mr. Desbarats and Mr. Edwards could proceed to this country at a convenient date after the close of the present session of the Dominion Parliament for the purpose of the proposed discussions with the Wireless Telegraphy Commission.

I have, &c.,

WINSTON S. CHURCHILL

23404

No. 84.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th May, 1922.)

(Confidential.)

SIR,

Governor-General's Office, Cape Town, 27th April, 1922.

I HAVE the honour to transmit to you herewith, in confirmation of my telegram of 24th April, 1922,‡ copy of a Minute from Ministers on the subject of the Imperial Wireless Scheme.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 84.

MINUTE 299.

Prime Minister's Office, Cape Town, 22nd April, 1922.

MINISTERS have the honour to refer to correspondence in connexion with the proposed Imperial Wireless Chain mentioned in His Excellency Lord Buxton's Minute No. 43/574 of 12th August, 1920, and subsequent communications.

* No. 341 in Dominions No. 73.

† No. 81.

‡ No. 82.

2. At a discussion at the Imperial Conference in London in 1920, the Prime Minister of the Union intimated to His Majesty's Government that South Africa was desirous of obtaining long distance wireless communication with Great Britain and other European countries, and would be prepared to enter into discussions as to the practicability of this through the medium of the proposed Imperial Chain Scheme.

3. The Wireless Telegraphy Committee (the "Norman" Committee), 1919-1920, recommended that the existing station at Windhuk should be put into fit condition to act as the South Africa Station in a chain of 2,000 mile links, communicating with a station proposed to be erected at Nairobi as its transmitting point for Cairo and thence to Great Britain.

4. In December, 1920, a Wireless Telegraphy Commission (the "Milner" Commission) was appointed to go into the details of the scheme, and though this Commission appears from its report, recently issued, to favour the erection in South Africa of an entirely new station at some point near Johannesburg, it has nevertheless sent two experts to visit Egypt, East Africa, and the Union in connexion with the question of sites. These experts have not yet reached the Union.

5. The most important feature of the latest report is, however, the admission that in view of the development of the art of wireless telegraphy that has taken place since the subject of the Imperial Chain was first discussed, it would be quite practicable, during favourable periods of the day, for some of the most distant stations of the proposed chain to work direct to the terminal point in Great Britain without retransmission through intermediate stations.

6. The Marconi Wireless Telegraph Company has meanwhile approached the Union Government with an offer to construct a station in South Africa at its own expense, which it guarantees would provide satisfactory, continuous, direct working with Great Britain.

7. The Union Government's Technical Adviser, Dr. H. J. van der Byl, M.A., Ph.D., an authority on wireless telegraphy, while he considered at the time of the "Norman" report that the recommendation made therein should be adopted, nevertheless foreshadowed the time when such advances would have been made in the improvement of apparatus that direct communication over much longer distances than the proposed 2,000 mile ranges would be a regularly workable arrangement.

8. The Marconi Company claims that that time has now arrived, and points to the fact that the Government of the Commonwealth of Australia has just entered into a contract with an associated company for the construction of a high power station in Australia for direct working with Europe and elsewhere.

9. In all the circumstances, Ministers propose to ask the Company to furnish full details of the scheme proposed, but before doing so they would be glad to have the views of His Majesty's Government in the matter. Ministers have not, as yet, received any advice in regard to the "Milner" report, such as that contained in the telegram of 11th August, 1920, from the Secretary of State in connexion with the first report.

10. Ministers have the honour to request that His Royal Highness may be pleased to communicate this by telegraph to His Majesty's Government, with the request for a telegraphic reply.

J. C. SMUTS

25236

No. 85.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th May, 1922.)

(No. 161.)

SIR,

Governor-General's Office, Melbourne, 11th April, 1922.

With reference to your cablegram of the 3rd April,* and in continuation of mine of even date,† I have the honour, at the instance of my Prime Minister, to forward herewith two copies of the agreement‡ entered into between the Commonwealth Government and the Amalgamated Wireless (Australasia) Limited, on the 28th March, 1922.

I have, &c.,

FORSTER,
Governor-General.

* No. 79.

† No. 80.

‡ See Note to No. 80.

31330

No. 86.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.45 p.m., 28th June, 1922.)

TELEGRAM.

[Answered by No. 87.]

(Paraphrase.)

28TH JUNE. My telegram 24th April.* Imperial Wireless Scheme. My Ministers would be glad to have telegraphic reply as soon as possible.—ARTHUR FREDERICK.

31330

No. 87.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.45 p.m., 1st July, 1922.)

TELEGRAM.

[Answered by No. 88.]

(Paraphrase.)

(Confidential.)

1ST JULY. Imperial Wireless Chain. Your telegram 28th June.† His Majesty's Government have found it necessary, in view of recent communications from India and Commonwealth of Australia, to review, before replying to your telegram of the 24th of April,* the arrangements for the Imperial Wireless Chain, and recommendations have been made for several modifications to be effected in the scheme. Delay in replying is much regretted, but I hope to be in a position to telegraph further at an early date.—SECRETARY OF STATE FOR THE COLONIES.

83008

No. 88.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.57 p.m., 7th July, 1922.)

TELEGRAM.

[Answered by No. 91.]

(Paraphrase.)

7TH JULY. Imperial Wireless Chain. Your telegram 1st July.‡ I am informed by my Ministers that owing to the long delay which has occurred, and the misgivings about Imperial Wireless Chain, negotiations have already been begun with Marconi's Company for erection in the Union at expense of Company of a wireless station, under the control of the Government, of sufficient power to transmit messages to all continents. Negotiations are proceeding smoothly, and it is of great importance that Ministers should be informed as soon as possible of new revision of Imperial Chain, so that Government can decide between the Imperial Chain and the proposals of the Marconi Company.—ARTHUR FREDERICK.

* No. 82.

† No. 86.

‡ No. 87.

34404

No. 89.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.40 p.m., 14th July, 1922.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

IMPERIAL Wireless Chain. Postmaster-General made statement in House of Commons last night to following effect:—

Begin: His Majesty's Government have further considered question of the Imperial Wireless Chain, and have decided to erect in England station of ultimate power contemplated by the expert Commission, instead of smaller power which they proposed should be used in first instance. His Majesty's Government are advised that this station will provide efficiently direct commercial communication with India, South Africa and Australia. In India His Majesty's Government will erect and Indian Government will work a station, also capable of direct communication with England, South Africa and Australia. As corollary of this decision proposed second station in Egypt and station in East Africa will be deferred, and question of erecting stations at Singapore and Hongkong will be reconsidered. Communication is proceeding with Union Government as to station in South Africa, and experts of Canadian Government are expected to reach England very shortly in order to discuss participation of Canada in scheme. *Ends.*

—SECRETARY OF STATE FOR THE COLONIES.

34044

No. 90.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 2.42 p.m., 14th July, 1922.)

TELEGRAM.

(Commonwealth of Australia.)

(Union of South Africa.)

14TH JULY. My telegram 14th July*: Wireless Chain. Explanatory telegram† follows.—THE SECRETARY OF STATE FOR THE COLONIES.

34015

No. 91.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.15 p.m., 14th July, 1922.)

TELEGRAM.

[Answered by No. 98.]

(Paraphrase.)

14TH JULY. Confidential. Imperial Wireless Chain. Your telegram 24th April, your telegram 7th July.‡ Examination of proposals of Wireless Telegraphy Commission (see my despatch of 4th February, Dominions No. 44§) in the light of developments in Commonwealth of Australia and India now completed by His Majesty's Government. The developments in question were firstly, as regards Australia, the signature of an Agreement on 28th March between Amalgamated Wireless (Australasia) and Commonwealth Government, of which a copy was, it is understood, sent to Union Postmaster-General by High Commissioner in London on 8th June; secondly, intimation which was received from the Government of India

* No. 89.

† Nos. 91 and 93.

‡ Nos. 82 and 88.

§ No. 74.

that they were at present unable to provide funds for construction of Indian station of Chain, together with proposal that Indian station should be financed by His Majesty's Government, or alternatively, that construction, ownership, and operation of that station should be entrusted to a commercial company. Above developments clearly involved certain modifications in the original plan of the Imperial Wireless Chain as conceived by Imperial Wireless Telegraphy Committee, and it was evident that if His Majesty's Government were to take over responsibility for first cost of erection of Indian station from Government of India, it would be necessary for erection of some of the other stations of Chain to be deferred, unless greater expense were to be incurred than His Majesty's Government were in present circumstances prepared to bear. His Majesty's Government have now decided as indicated in my telegram of 14th July* on a policy of which the main points are as follows:—

(a) Station to be erected in England will be of 240 K.W. power. Planning commission originally recommended a station of 120 K.W. at outset, to be increased later to 240 K.W., but in view of great progress made during last two years in development of high power valves, especially as a result of research carried out at His Majesty's Signal School, Portsmouth, His Majesty's Government have now been advised by experts that erection of station of 240 K.W. power is possible at outset. This will make possible the establishment of direct communication with India, South Africa and Australia on commercial basis.

(b) The decision under (a) above will make it possible to defer the erection of second station at Egypt. Arc station which is already working at Cairo can be used as intermediate station between England, India, Australia and South Africa when necessary on account of atmospheric interruptions. Erection of Nairobi station also postponed; the question of the Singapore and Hong Kong stations is still being considered.

(c) As regards Indian station, which is central station of Chain, and therefore of special importance, His Majesty's Government could not favour its being entrusted to commercial company, and they have therefore undertaken to build it at their own expense. The operation of the station will, however, be undertaken by the Indian Government.

The scheme outlined above involves maintenance of policy that stations erected in England for communication with British Oversea territories should be owned and operated by His Majesty's Government. His Majesty's Government are reminding Commonwealth Government of this policy in connexion with the Commonwealth agreement with Amalgamated Wireless, Limited, referred to above, and it is greatly hoped that Union Government will be able to arrange for establishment of a station owned and operated by them which would be available to communicate direct with corresponding station in England. His Majesty's Government are advised that such communication would be assured if Union station were of 120 K.W. by valves at outset, but that provision for extension to 240 K.W. later is desirable. The fact that a lower powered Union station is adequate is due to fact that wireless reception is carried out more easily in England than in South Africa. Station at Nairobi is not now considered necessary as link in Chain, since when atmospheric conditions preclude direct communication, existing Cairo station will be available as intermediary. His Majesty's Government have at their disposal information which indicates (1) that if present station at Windhuk was equipped with valves about 4,500 words per day could be transmitted to England direct, and about 6,000 words per day to England through Cairo; (2) that if new station of 120 K.W. were erected in South Africa it could transmit about 8,000 words direct to England and 10,000 words through Cairo.—SECRETARY OF STATE FOR THE COLONIES.

* No. 89.

34015

No. 92.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 17th July, 1922.)

TELEGRAM.

(Paraphrase.)

CONFIDENTIAL. Imperial Wireless Chain. My telegrams of 14th July*: examination of proposals of Wireless Telegraphy Commission (see my despatch 4th February, Dominions No. 44†) in the light of developments in Commonwealth of Australia and India now completed by His Majesty's Government. These developments were (1) completion of agreement of 28th March between your Government and Amalgamated Wireless (Australasia); (2) receipt of intimation from the Government of India of their inability to provide funds at present for construction of Indian station of Chain, together with a proposal that Indian station should be financed by His Majesty's Government, or alternatively that construction, ownership and operation of that station should be entrusted to a commercial company. Above developments clearly involved certain modifications of original plan of Imperial Wireless Chain as contemplated by Imperial Wireless Telegraphy Committee, and it was also clear that if His Majesty's Government were to take over from Government of India responsibility for first cost of erection of Indian station it would be necessary to defer erection of some of the other stations of Chain, unless His Majesty's Government were to incur greater expense than in present circumstances they were prepared to bear. His Majesty's Government have now decided on policy indicated in my telegram of 14th July, viz. (a) station now to be erected in England will be of 240 K.W. power at estimated cost of about £230,000. Planning Commission originally recommended station of 120 K.W. at outset to be increased later to 240 K.W., but in view of great progress made during last two years in development of high power valves, resulting largely from research carried out at His Majesty's Signal School at Portsmouth, His Majesty's Government are now advised by technical experts that it is possible to erect station of 240 K.W. power at outset. This will enable direct communication on commercial basis to be established with India, South Africa and Australia; (b) above decision will enable erection of second station in Egypt to be deferred. Indian station as well as arc station already working at Cairo can be used when necessary on account of atmospheric interruptions as intermediate stations between England and Australia. It has been decided to postpone erection of Nairobi station; position as regards Singapore and Hong Kong is receiving further consideration; (c) Indian station as central station of Chain is of course of particular importance. His Majesty's Government could not favour entrusting it to commercial company, and have therefore undertaken to build it at their own expense. Station will be of 120 K.W. power, and will be operated by Indian Government. It is the policy of His Majesty's Government that stations erected in England for communicating with British territory overseas shall be owned and operated by the Government, and above scheme maintains this policy. In view of Article 5, subsections (e) and (f), and Article 12 your Government's agreement with Amalgamated Wireless, Limited, referred to above, I think it desirable to call special attention of your Ministers to this. In this connexion please see also my telegram of 19th December, 1921.†

His Majesty's Government are informing Government of Union of South Africa that they greatly hope that Union Government will be able to see their way to arrange for establishment of a station of 120 K.W. power, owned and operated by them, which would be available for communication direct with station owned by His Majesty's Government in this country.—SECRETARY OF STATE FOR THE COLONIES.

* Nos. 89 and 90

† No. 74.

‡ No. 352 in Dominions No. 73.

34404

No. 93.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Canada. No. 369.)

(Newfoundland. No. 106.)

[MY LORD,] [SIR,]

Downing Street, 26th July, 1922.

WITH reference to my despatch Dominions No. 44 of the 4th of February,* I have the honour to transmit to [Your Excellency] [you,] for the information of your Ministers, a copy of the "Hansard" Report of a statement† made by the Postmaster-General in the House of Commons on the 13th of July, on the subject of the Imperial Wireless Chain.

I have, &c.,

WINSTON S. CHURCHILL.

34015

No. 94.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(New Zealand.

(Newfoundland.

Confidential.)

[MY LORD,] [SIR,]

Downing Street, 26th July, 1922.

[To Canada and Newfoundland: With reference to my despatch No. [369] [106] of even date;] I have the honour to request [Your Excellency] [you] to inform your Ministers that His Majesty's Government have now completed examination of the report of the Wireless Telegraphy Commission, a copy of which was enclosed in my despatch Dominions No. 44 of the 4th of February.*

2. This examination was carried out in the light of developments in the Commonwealth of Australia, the Union of South Africa and India, which took place subsequently to the preparation of the report, and may be summarized as follows:—

(a) An agreement was signed on the 28th March between the Commonwealth of Australia and the Amalgamated Wireless (Australasia) Limited, under which the latter undertook *inter alia*, to construct and operate in Australia, the necessary stations for a direct commercial wireless service with the United Kingdom, and to arrange for the operation of suitable corresponding stations in the United Kingdom and Canada; they undertook also to provide the main trunk stations in Australia, the United Kingdom and Canada, within two years of the date of the agreement. A copy of the agreement is enclosed.‡

(b) The Government of the Union of South Africa have been approached by the Marconi Company with a view to the negotiation of an agreement which is understood to be on somewhat similar lines to that referred to under (a) above, for a direct service between the Union of South Africa and the United Kingdom.

(c) An intimation was received from the Government of India to the effect that they were at present unable to provide funds for the construction of the Indian station of the Imperial Wireless Chain. It was also suggested that the Indian station should be financed by His Majesty's Government, or, alternatively, that the construction, ownership and operation of that station should be entrusted to a commercial company.

3. These developments clearly involved certain modifications in the original plan of the Imperial Wireless Chain, as contemplated by the Imperial Wireless Telegraphy Committee, and it was evident that if His Majesty's Government were to take over the responsibility for the first cost of the erection of the Indian station

* No. 74.

† See No. 89.

‡ No. 93.

§ See Note to No. 89.

from the Government of India, it would be necessary to defer the erection of some of the other stations of the Chain, unless greater expense were to be incurred than His Majesty's Government were in the present circumstances prepared to face.

4. His Majesty's Government have now decided [To Canada and Newfoundland: as indicated in my numbered despatch of even date*] [To New Zealand: as indicated in my telegram of the 14th of July,†] on a policy of which the main points are as follows:—

(1) The station to be erected in England will be of 240 K.W. power. The Planning Commission originally recommended a station of 120 K.W. at the outset, to be increased later to 240 K.W.; but in view of the great progress made during the last two years in the development of high-power valves, especially as the result of research carried out at His Majesty's Signal School, Portsmouth, His Majesty's Government have now been advised that the erection of a station of 240 K.W. power is possible at the outset. This will make possible the establishment of direct communication on a commercial basis with India, South Africa and Australia.

(2) The decision under (1) above will make it possible to defer the erection of the second station in Egypt. The Arc station, which is already working at Cairo, can be used, when this is necessary, on account of atmospheric interruptions, as an intermediate station between England, India, Australia and South Africa.

The erection of the Nairobi station is also postponed, while the question of the Singapore and Hongkong stations is still under consideration.

(3) As regards the Indian station, which is the central station of the Chain and therefore of special importance, His Majesty's Government could not favour its being entrusted to a commercial company, and they have therefore undertaken to build it at their own expense. The operation of the station will however, be undertaken by the Government of India.

5. The above scheme involves the maintenance of the policy of His Majesty's Government, which is that stations erected in England for communication with British overseas territories, should be owned and operated by themselves. The Commonwealth Government are being reminded of this policy in connexion with the terms of Articles 5 and 12 of the Commonwealth agreement with the Amalgamated Wireless Company referred to above, and the Union Government are being informed that His Majesty's Government greatly hope that they will be able to see their way to arrange for the establishment of a station of 120 K.W. power, owned and operated by the Union Government, which will be available for communication direct with the Government station in this country.

I have, &c.,

WINSTON S. CHURCHILL.

37834

No. 95.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.20 a.m., 1st August, 1922.)

TELEGRAM.

[Answered by Nos. 96 and 102.]

(Paraphrase.)

1st August. A proposal by London Radio Communications Company for installation of Bordeaux type high-power wireless station, capable of world-wide communication, is now being considered by Government of New Zealand. It may be arranged to effect the installation by joint company arrangement between company and Government; latter to have controlling interest or by licensing the company to operate. Desire to ascertain before taking definite action whether such proposals are in any way incompatible with Imperial Government's scheme for Imperial Wireless Chain, which it is understood from the Press has recently undergone material change.—JELlicor.

* No. 93.

† No. 89.

37834

No. 96.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.30 a.m., 5th August, 1922.)

TELEGRAM.

Your telegram of 1st August*: wireless. Reply will be sent as soon as possible. In the meantime as regards changes in proposals for Wireless Chain, see my telegram of 14th July.†—SECRETARY OF STATE FOR THE COLONIES.

40586

No. 97.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th August, 1922.)

(Confidential. (3).)
(Extract.)

SIR, Government House, Cape Town, 21st July, 1922

11. During the concluding hours of the Session, General Smuts outlined the terms of the various wireless schemes available for the Government to select from. In reply to those in favour of a Union-owned and operated station, the Prime Minister argued that, as patents made progress, the Union Government would be for ever having to change the machinery. Moreover, we had no personnel to man a station, while its erection would be a costly matter. He compared the three systems, and the general impression created was that he was altogether in favour of accepting the Marconi Company's proposal. In conclusion, he explained that it might be necessary to come to a decision before Parliament again met. He stated that the Union was still unpledged, and, before the adjournment, obtained permission for the matter to be left in the hands of the Government.

I have, &c.,
ARTHUR FRÉDERICK,
Governor-General

39663

No. 98.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.25 p.m., 9th August, 1922.)

TELEGRAM.

[Answered by No. 100.]

(Paraphrase.)

9TH AUGUST. Confidential. With reference to your telegram 14th July‡ Imperial Wireless Chain, my Ministers anxious as far as possible to meet the views of Imperial Government, but the large working expenditure and capital requirements involved in a purely Government station impress them. They are advised that it will cost £400,000 to establish valve station of such power as to be capable of communicating with all continents, and that building a smaller station would not be safe. Difficulties of technical management and personnel are also conceivable, and it may be difficult in a concern of such a rapidly developing character to keep the

* No. 95. † No. 89. ‡ No. 91.

station up to date. The private station working under Government control rates and other essential matters is, therefore, favoured by my Government. My Ministers would be very grateful if the Imperial Postmaster-General would telegraph advice as to the conditions and clauses which in public or Imperial interest it would be advisable or essential to insert in an agreement. Though the Union Government is not yet definitely committed negotiations with Marconi's Company are well forward.—ARTHUR FRÉDERICK.

40910

No. 99.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 p.m., 16th August, 1922.)

TELEGRAM.

[Answered by No. 103.]

16TH AUGUST. Your despatch 13th May, No. 249*; Imperial Wireless Chain. After further consideration of question, Government of Canada does not feel that at present time it would be justified in embarking on any capital expenditure in connexion with high power transatlantic station, particularly as information received that existing transatlantic cable and radio facilities are not at present being operated to full capacity. If this information is correct, station could be operated at profit only at expense of existing commercial services and Imperial cable. It is not proposed therefore, by Government of Canada, to take any action with regard to this matter for the time being, and proposed visit of Canadian representatives to England, my despatch 28th March, No. 180,† will be postponed indefinitely.—BYNG.

41322

No. 100.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.25 p.m., 23rd August, 1922.)

TELEGRAM.

[Answered by No. 104.]

(Paraphrase.)

CONFIDENTIAL. With reference to your telegram of 9th August,‡ regarding wireless. His Majesty's Government appreciate the difficulties felt by the Union Government, but hope that your Ministers will consider following points before coming to final decision.

(1) The cost of a valve station in South Africa on the lines suggested by expert advisers to His Majesty's Government is apparently much less than £400,000, mentioned in your telegram of 9th August. The Norman Committee estimated the capital cost of such a station in this country, generating its own current, at £128,000, with a reduction of £15,000 if current purchased from bulk generating station. The same Committee estimated the cost of a similar station overseas generating its own current at £160,000, plus £25,000 to cover the cost of residences if necessary. The question whether above additions are reasonably sufficient to meet circumstances of the Union is, of course, one for Union Government, but Postmaster-General has no reason to dissent from estimate of Norman Committee as regards English station, and their figures were in fact accepted when the revised scheme outlined in my Confidential telegram of 14th July§ was under discussion.

(2) Postmaster-General advised that a 120 K.W. station in South Africa of the type suggested by the Norman Committee would have radiating efficiency equal to that of Bordeaux, double that of Long Island, and about five times that of Leafeld, and would (for a traffic of the dimensions to be expected from South Africa), give reasonable efficient direct commercial working with this country, India and

* No. 88. † No. 81. ‡ No. 98. § No. 91.

Australia. The station would be capable of extension to double size, and if so extended its total cost would be about £300,000 (allowing for additions referred to above), to cost of similar station in England.

(3) It is noticed that in paragraph 18 of printed proposals* of Marconi Company it is stated that the Company undertakes to arrange for direct communications with foreign high-power stations in various parts of the world. The Postmaster-General doubts whether an efficient schedule of services could be maintained by a single station in the Union with so many different communicating foreign stations as well as with other Imperial stations.

As regards latter part of your telegram of 9th August, Postmaster-General thinks that the main condition, which in Imperial interests it is advisable to lay down, is that Union station should be capable of being used, and should in fact be used, as an integral part of the Imperial wireless system, and in particular that it should be used primarily for service with stations to be erected by His Majesty's Government in this country and in India, and with the station already erected in Egypt, priority being given in all cases to the traffic with those and other Imperial stations. It should also be stipulated that rates and regulations for dealing with traffic should be arranged in consultation between the Imperial and Union authorities. In view of the policy of His Majesty's Government (*see my Confidential telegram of 14th July*) that stations erected in England for communicating with British territory overseas shall be owned and operated by His Majesty's Government, this last point of special importance.

With regard to public interests generally, the Postmaster-General thinks that it would be preferable for Union Government to be empowered to take over station at any time on terms which, while safeguarding the Company against loss, should not involve payment for prospective profits instead of the arrangement outlined in printed proposals of Marconi Company, whereby the Union Government can purchase station outright after ten years. If it were found difficult to arrange the matter on this basis, repayment of cost might, as an alternative, be made by annuities extending over period of (say) fifteen years, during which time the Company should work station on terms to be arranged, with further proviso that at any time annuities might be commuted by payment of equivalent lump sum.

If the suggestion whereby the Union Government can take over the station at any time is accepted, Postmaster-General is of opinion that only nominal sum should be included on account of Marconi patents, since he is advised that royalty on use of these patents would be covered in respect of the Union, as well as other stations of Imperial Chain for reasonable term of years (say until end of 1934), by compensation paid to the Marconi Company in 1919 in respect of the cancellation of 1913 Post Office Marconi contract. The question of the royalties to the Marconi Company in respect of stations recently taken over by Union Government stands on a different footing.

His Majesty's Government would gladly arrange for discussion between any experts nominated by Union Government and members of Wireless Telegraphy Commission if your Ministers think that it would be of advantage.—SECRETARY OF STATE FOR THE COLONIES.

43056

No. 101.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th August, 1922.)

(Confidential. (2).)

Sir,

Governor-General's Office, Pretoria, 9th August, 1922.

I HAVE the honour to transmit to you herewith, in confirmation of my telegram of 9th August, 1922,† copy of a Minute from Ministers, on the subject of the Imperial Wireless Chain.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

* 30923: not reprinted; see Union of South Africa Parliamentary Paper in Volume IV of Parliamentary Papers, 1922.

Enclosure in No. 101.

Prime Minister's Office, Pretoria, 8th August, 1922.

MINUTE No. 621.

WITH reference to the Governor-General's Minute No. 43/700 of the 17th July, 1922, on the subject of the Imperial Wireless Chain, Ministers have the honour to inform His Royal Highness that the Union Government are anxious to meet the views of the Imperial Government as far as possible, but are impressed with the large capital requirements and working expenditure involved in a purely Government station. Ministers are advised that valve stations of adequate power to communicate with all continents will cost £400,000, and that it is not safe to build a smaller station. There are also conceivable difficulties of technical management and personnel, and in keeping the station up-to-date in a concern of such a rapidly developing character. Ministers are, therefore, favourable to a private station working under Government control of rates and other essential matters.

Ministers would appreciate it very much if the Imperial Postmaster-General would advise them as to the clauses and conditions which it would be advisable or essential in public or Imperial interest to insert in an agreement, and would be further indebted to the Postmaster-General if this advice could be furnished by cablegram. Negotiations with the Marconi Company are well forward, but the Union Government is not yet definitely committed. Ministers would be glad if the above could be transmitted to the Secretary of State for the Colonies by telegram.

PATRICK DUNCAN.

41041

No. 102.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 4.35 p.m., 2nd September, 1922.)

TELEGRAM.

[Answered by No. 108.]

(Paraphrase.)

IN reply to your telegram 1st August*, the Wireless Chain as originally planned by the Imperial Wireless Telegraphy Committee was intended to consist of Government-owned and operated stations, and it was considered that the connexion of New Zealand with the Chain could be effected by means of a development of the existing service between Australia and New Zealand. In this connexion, see page 9 of the Report in my despatch Dominions 274 of 3rd July, 1920.† Postmaster-General thinks that in the absence of any subsequent radical change in the requirements of New Zealand as regards communication with this country and other Dominions, these requirements could, in all probability, be adequately met by relaying the wireless traffic to and from New Zealand. He doubts whether a station in New Zealand of the power of the Bordeaux station is at present necessary.

As regards the Commonwealth of Australia, the situation has, however, changed in view of the agreement with Amalgamated Wireless, Limited. For copy of agreement and full explanation of present situation of Chain, see my despatch of 26th July, Confidential.‡

To accept the Radio Company's proposals would not appear to depart further from the scheme in the Imperial Chain than the agreement already concluded by the Commonwealth Government, but on the whole the Postmaster-General suggests that consideration of the present application should be deferred until the Commonwealth scheme has developed further, and until Union Government has decided in the matter.

Postmaster-General will, however, gladly advise regarding clauses and conditions which in public or Imperial interest should be inserted in any proposed agreement if the New Zealand Government wish to deal with the application at once.—SECRETARY OF STATE FOR THE COLONIES.

* No. 95.

† No. 340 in Dominions No. 73.

‡ No. 94.

43417

No. 103.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 5.15 p.m., 4th September, 1922.)

TELEGRAM.

[Answered by Nos. 105 and 106.]

(Paraphrase.)

WITH reference to your telegram of 16th August,* regarding wireless, on account of the following reasons, an early discussion as regards the position of Canada had been hoped for.

(1) The Marconi Company have intimated that they proposed to abandon their Clifden station, and have applied for permission to erect a new station in England to deal with the Canadian service. It is understood that the corresponding station at Glace Bay is obsolescent, and that if British licence for the Anglo-Canadian service is renewed the Canadian Marconi Company propose to erect a new station at Montreal to replace that at Glace Bay. No permission has yet been given to the Company for a new station in this country, and the Postmaster-General had proposed to defer decision until the question of the Anglo-Canadian service had been discussed with Canadian Government representatives.

(2) It is true that when the second Government cable from Halifax to south-west Ireland via Newfoundland comes to be in operation there will be, as suggested in your telegram, ample capacity for normal cable traffic via the two State cables for some years. An additional State-owned wireless service may, from this point of view, be unnecessary, but His Majesty's Government had assumed that if such a service were started it would replace the existing obsolescent Marconi service, and take all traffic now received by the latter. The wireless service could be run more economically as an adjunct to the State cable service than independently, and the existence of three channels of communication would have the additional advantage that if one circuit was interrupted, requirements could be met without outside assistance by working the two remaining at full capacity. On the other hand, a new private wireless route, if started, would entail wasteful competition with State cables.

(3) It is understood that the Pacific Cable Board had hoped to discuss with the Canadian representatives various questions connected with wireless communication between Canada and Fanning or Fiji. See paragraph 3 of the Memorandum of 26th July,† regarding duplication of Pacific Cable forwarded to the Postmaster-General, Canada, by the High Commissioner.

For the above reasons His Majesty's Government hope that your Ministers will find it possible to reconsider the decision given in your telegram under reply. —SECRETARY OF STATE FOR THE COLONIES.

45655

No. 104.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.2 p.m., 9th September, 1922.)

TELEGRAM.

(Paraphrase.)

9TH SEPTEMBER. With reference to your telegram of 23rd August‡; wireless stations. Subject to ratification by Parliament, an agreement has been entered into by the Union Government with the Marconi Wireless Telegraph Company, Limited, for the erection of a wireless station in the Union.

Ministers request me to inform you that in compliance with suggestions made by the Postmaster-General in paragraph 3 of your telegram under reference, clauses have been inserted in the agreement providing that the station shall be an integral

* No. 99.

† Enclosure in No. 173.

‡ No. 100.

part of Imperial Wireless system, priority being given to communications with stations of the Imperial Wireless system as far as is consistent with efficient working of the station.

A clause governing rates and regulations concerning communications between Union station and any stations operated by His Majesty's Government has also been inserted.

Will send copy of the agreement as soon as possible.—ARTHUR FREDERICK.

45520

No. 105.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.5 p.m., 11th September, 1922.)

TELEGRAM.

(Paraphrase.)

11TH SEPTEMBER. Your telegram of 4th September.* My Government having considered question, do not feel themselves able to participate for the time being in Imperial Wireless Chain.—BYNG.

45837

No. 106.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.50 p.m., 13th September, 1922.)

TELEGRAM.

(Paraphrase.)

13TH SEPTEMBER. Imperial Wireless Chain. With reference to your telegram of 4th September and my telegram of 11th September,† I am informed by my Ministers that Mr. Lapointe,‡ Minister of Marine and Fisheries, who is at present representing Canada at Geneva, is familiar with conditions governing decision of Government of Canada. They suggest that when he is in London on his return from Geneva representations respecting reconsideration of this decision might be made to him.—BYNG.

46682

No. 107.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 19th September, 1922.)

(No. 307.)

Sir,

Governor-General's Office, Melbourne, 3rd August, 1922.

I HAVE the honour to transmit, herewith, copy of a despatch which I have this day addressed to the Viceroy of India, communicating, at the instance of the Prime Minister, certain proposals by the Amalgamated Wireless (Australasia), Limited, for the erection of a wireless station in India.

I have, &c.,

FORSTER.

Governor-General.

* No. 103. † Nos. 103 and 105. ‡ Note.—On Mr. Lapointe's suggestion, Mr. C. P. Edwards, Director of Radiotelegraph Service, Canada, came to England and discussed this question with the authorities here; see record of discussions attached to 45837/22.

Enclosure in No. 107.

My LORD,

Melbourne, 3rd August, 1922.

I HAVE the honour to transmit to Your Excellency herewith, copy of a letter which I have received from my Prime Minister, in which are embodied certain proposals by the Amalgamated Wireless (Australasia), Limited, for the erection of a wireless station in India.

I am sending a copy of this despatch to the Secretary of State for the Colonies

I have, &c.,

FORSTER,

Governor-General

His Excellency,

The Viceroy and Governor-General of India,
Simla.

COMMONWEALTH OF AUSTRALIA.

Prime Minister,

Melbourne, 24th July, 1922.

My LORD,

ON the eve of the Right Honourable S. Sastri's departure from Australia some weeks ago, I received from Amalgamated Wireless (Australasia), Limited, a communication in the following terms:—

"We take the opportunity of Mr. S. Sastri's visit to Australia to bring under your notice the advisability of approaching India to co-operate in Australia's wireless scheme.

If India erected a wireless station of similar design to the stations which are to be erected in England and Australia, it would become a valuable asset—both for commercial and defensive purposes.

The Amalgamated Wireless (Australasia), Limited, are anxious to co-operate with India in this matter, and if such a station were erected in that country, we would be prepared to carry out communication with such, and we do not doubt for a moment that the Marconi Wireless Telegraph Company in India and the Marconi Wireless Telegraph Company of Canada would both offer their terminal stations for working a similar station in India.

By this means India would be afforded direct service to England, Australia and America. The stations in each country would be under the one organization. Direct communication with these countries would obviously produce very much greater revenue than if communication had to be made through intermediate stations, as suggested in the Norman scheme. Under the latter scheme a proportionate share of the revenue would be taken by the linking stations.

The absence of relay stations would accelerate communication, which would not be subject to delays, and which would not be dependent upon the efficiency of these intermediate stations.

From Australia's point of view, the Indian station would increase our revenue, and be a terminal source for messages destinating in Asia and the East.

Speaking from the Imperial standpoint, the third station would put the British Empire in a pre-eminent position regarding wireless high-power stations, and would enable all parts of the Empire to communicate with His Majesty's vessels in any part of the world.

We would be pleased, if we have an opportunity, to submit further data and figures in this connexion."

I at once communicated to Mr. Sastri the sense of this letter, and subsequently received advice from him to the effect that, as he expected to be constantly on the move for some months, it would be more expeditious to correspond direct with the

Government of India on the subject. I shall be glad, therefore, if you will be so good as to bring the matter to the notice of the proper authorities in India, and in this connexion I enclose copies of the Agreement* recently concluded between the Commonwealth Government and Amalgamated Wireless (Australasia), Limited.

Yours faithfully,

W. M. HUGHES,
Prime Minister.

His Excellency

The Right Honourable Lord Forster, P.C., G.C.M.G.,
Governor-General.

48652

No. 105.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.0 a.m., 30th September, 1922.)

TELEGRAM.

[Answered by No. 111.]

(Paraphrase.)

30TH SEPTEMBER. Your telegram 2nd September†; wireless. My Ministers do not favour development of existing service, New Zealand to Australia as part of link in Imperial Chain; Sir Robert Stout's telegram 10th September, 1920,‡ in reply to your telegram 11th August, and to your despatch 3rd July, 1920,§ contains reasons for this attitude. My Government are not anxious that the matter should be dealt with at once, and they will postpone action for a few months while awaiting possible developments in regard to Imperial Chain, of which my Ministers will be glad to receive early information. Rapid development of long distance radio communication and comparative isolation of New Zealand combine to impress my Ministers with importance and desirability of long distance wireless station capable of direct communication with any part of the world, since prompt dispatch and minimum rates would thereby be ensured.—JELlicoe.

49246

No. 109.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th October, 1922.)

(Confidential.)

Sir,

Governor-General's Office, Pretoria, 12th September, 1922.

I HAVE the honour to transmit to you herewith, in confirmation of my telegram of the 9th September, 1922,|| copy of a Minute from Ministers on the subject of the Imperial Wireless System.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

* See Note to No. 80.

† No. 102.

‡ No. 343 in Dominions No. 73.

§ Nos. 341 and 340 in Dominions No. 73.

|| No. 101.

Enclosure in No. 109.

Prime Minister's Office, Pretoria, 9th September, 1922.

MINUTE No. 709.

MINISTERS have the honour to refer to His Royal Highness the Governor-General's Minute No. 43/700 of the 17th July, 1922, and to subsequent telegrams exchanged with the Right Honourable the Secretary of State for the Colonies on the subject of the Imperial Wireless System, and to inform His Royal Highness that the Union Government have entered into an agreement, subject to ratification by Parliament, with the Marconi Wireless Telegraph Company, Limited, for the erection of a wireless station in the Union of South Africa.

A copy of the Agreement will be forwarded to Your Royal Highness at an early date for transmission to His Majesty's Government, but in the meantime Ministers desire to say that, in compliance with the suggestions made by the Postmaster-General in the third paragraph of the telegram from the Right Honourable the Secretary of State, dated 23rd August, clauses have been inserted in the Agreement providing that the Union station shall be an integral part of the Imperial Wireless System, priority being given, as far as is consistent with the efficient working of the station, to communications with stations of the Imperial Wireless System.

A clause has also been inserted governing the rates and regulations concerning communications between the Union station and any stations operated by His Majesty's Government.

Ministers have the honour to request that the foregoing information may be communicated to His Majesty's Government by cable.

PATRICK DUNCAN.

55194

No. 110.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th November, 1922.)

(No. 540.)

SIR, Governor-General's Office, Pretoria, 18th October, 1922.

I HAVE the honour to transmit to you herewith copy of a Minute from Ministers (with enclosure*), on the subject of the Imperial Wireless System.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

For previous correspondence see your telegram Confidential of the 14th July, 1922, and my despatch Confidential of the 12th September, 1922.†

Enclosure in No. 110.

Pretoria, October, 1922.

MINUTE No. 792.

MINISTERS have the honour to refer to His Royal Highness's Minute No. 43/700 on the subject of the Imperial Wireless System and to their despatch No. 709 of the 9th September, advising His Royal Highness of the conclusion of an Agreement between the Union Government and the Marconi Company for the erection of a long-distance wireless station in South Africa, and to transmit herewith printed copies of the Agreement* for the information of His Majesty's Government.

J. C. SMUTS.

53543

No. 111.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 239.)

MY LORD,

Downing Street, 8th November, 1922.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 30th of September,* on the subject of the erection of a long-distance wireless station in New Zealand.

2. I hope shortly to be in a position to reply fully to your telegram. In the meantime I enclose a copy of the Agreement† concluded between the Government of the Union of South Africa and the Marconi Wireless Telegraph Company for the erection of a long-distance wireless station in the Union, which may be of interest to your Ministers.

This Agreement has not yet been ratified by the Parliament of the Union of South Africa.

I have, &c.,

DEVONSHIRE.

Correspondence with the Government of Newfoundland relative to Wireless and Cable communication.

(See pages 241-253 of Dominions No. 73.)

30943

No. 112.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 11 p.m., 27th June, 1922.)

TELEGRAM.

[Answered by No. 114.]

27TH JUNE. Your despatch 19th May, No. 70.‡ Commercial Cable Company Contract Bill. Clause 5 appears to bind Newfoundland Government to hand all unrouted traffic from Newfoundland to United Kingdom to Company. Postmaster General informs me that reserve line to Imperial cable from Ireland to Halifax via Harbour Grace, which was purchased by His Majesty's Government end of 1920, will be controlled and worked by General Post Office from 1st July. This cable thought specially suitable for Newfoundland service and officer-in-charge Harbour Grace who has just arrived has been instructed communicate with Newfoundland telegraph authorities with view to arranging use of cable as much as possible for traffic both ways between Newfoundland and United Kingdom. His Majesty's Government anxious develop cable service United Kingdom and Newfoundland, and had hoped Ministers would support Imperial cables by co-operating in exchange of Newfoundland traffic sent by Imperial route and giving that route unordered trans-Atlantic traffic from Newfoundland. If co-operation arranged, introduction contemplated in August next, night letter telegraph service 3d. a word, lowest existing deferred rate being 4d. In view of above should be grateful if Ministers would consider desirability of arranging before legislation is passed, for proviso that Newfoundland Government shall be at liberty to hand to any British Government Cable, landed in Newfoundland, unrouted traffic destined for Great Britain, Ireland or countries beyond. Under this arrangement Company would be still able to secure unrouted traffic from Newfoundland for American continent generally.—SECRETARY OF STATE FOR THE COLONIES.

* No. 108.

† Not printed; see Note on No. 110.

‡ 25537; not printed; it forwarded copy of Bill, which was passed as 13 Geo. V cap. 8.

* Not printed here; see Schedule to Union of South Africa Act No. 11 of 1923

† Nos. 91 and 109.

30943

No. 113.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by No. 115.]

(Confidential.)

SIR,

Downing Street, 29th June, 1922.

WITH reference to my Confidential despatch of the 27th of August, 1921,* and my telegrams of the 27th of June,† on the subject of wireless and cable communication, I have the honour to transmit to you a copy of a letter of the 10th of January last, from Mr. F. J. Brown, C.B., C.B.E., of the General Post Office, to the Hon. W. F. Coaker, to which it is understood no reply has as yet been received.

I have, &c.,

WINSTON S. CHURCHILL.

Enclosure in No. 113.

British Empire Delegation, Franklin Square Hotel,

Washington, D.C., 10th January, 1922.

DEAR MR. COAKER,

WITH reference to our conversation in London last spring, and to my subsequent telegrams and letter, I venture to let you know that I came here a fortnight ago on Conference business, and that I shall probably be here or in Canada for two or three weeks longer, in case you may think it desirable that one of your experts should discuss with me the proposals for linking up the Port-au-Basque cable with Halifax, and for using the Imperial cable for Newfoundland traffic. I am afraid I shall not be able to visit Newfoundland—much as I should like to do so—but, if you think anything of the suggestion, I could meet your representative at New York, Boston, Montreal or Halifax, as might be most convenient to him. If you thought it well, we could probably arrange for Mr. McMillan, the Manager of the Canadian Pacific Telegraphs, to be present also.

The traffic on the Imperial Cable is keeping up very well; but we are anxious to secure at least a portion of your traffic also, and we are inclined to think we could provide a service which would be to the advantage of Newfoundland no less than to that of the Imperial Post Office.

Yours very truly,

F. J. BROWN

The Honourable W. F. Coaker,
Minister of Marine and Fisheries,
St. John's, Newfoundland.

36313

No. 114.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 20th July, 1922.)

(No. 94.)

SIR,

Government House, St. John's, 8th July, 1922.

I HAVE the honour to acknowledge the receipt of your telegrams of the 27th ultimo,‡ respecting the Commercial Cable Company Contract Bill and to inform you that unfortunately this Bill had been assented to on the 3rd of June, and it was no longer possible to arrange for such a proviso as you indicated.

2. I thought, however, that it might be possible to make a friendly arrangement with the Commercial Cable Company in the sense His Majesty's Government desired, and I not only sent the telegram officially to Ministers, but I spoke to the Minister of Posts and Telegraphs and also brought the question up more formally at a Council meeting.

3. The Prime Minister, however, was very unwilling to approach the Company again, as there had been a good deal of trouble in settling terms with them; they

* No. 364 in Dominions No. 73. † No. 112 and 30943: not printed: it gave reference to No. 364 in Dominions No. 73. ‡ No. 112 and 30943: not printed: see † above.

were inclined to be touchy over an incident that happened in the past; and any suggestion of asking them to go back in any degree on what they had arranged would, in his opinion, be most impolitic.

4. In a letter confirming this view the Prime Minister, writing as Colonial Secretary, goes on to remark that with respect to the Harbour Grace cable (which stands on the records of the Department of Finance under the name "Direct Cable") he is glad to hear that it is now taken over by the Imperial Government because it is the only cable concerning which the Department of Finance has had any difficulty in collecting cable tax; and a claim for the taxes due had recently been placed in the hands of the Department of Justice for action, as it appeared to be impossible to get any payment of the tax or any information as to when it would be paid. This statement seems to me to be somewhat brusque and to require that I should call your special attention to it.

I have, &c.,

C. ALEXANDER HARRIS.

47738

No. 115.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 25th September, 1922.)

(Confidential.)

SIR,

Government House, St. John's, 4th September, 1922.

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 29th June last* enclosing copy of letter of 10th January from Mr. F. J. Brown, C.B., C.B.E., of the General Post Office to the Hon. W. F. Coaker, on the subject of wireless and cable communication, and to transmit copy of a letter received from the Deputy Colonial Secretary on the subject.

I have, &c.,

W. H. HORWOOD.

Enclosure in No. 115.

Department of the Colonial Secretary.

SIR,

St. John's Newfoundland, 31st August, 1922.

REFERRING to despatch Confidential of the 29th June last from the Secretary of State, covering copy of letter of 10th January from Mr. F. J. Brown, C.B., C.B.E., of the General Post Office to the Hon. W. F. Coaker, I have the honour to intimate that the letter addressed to Mr. Coaker must have arrived in Newfoundland after that gentleman had left for the West Indian Islands. While Mr. Coaker was away, the Government concluded an agreement with the Commercial Cable Company, whereby the Port aux Basques cable was sold to them, and a satisfactory arrangement made for the passage of Newfoundland traffic. Under these circumstances, therefore, it was too late, when Mr. Coaker returned, to discuss the proposals put forward by Mr. Brown for the linking up of the Port aux Basques cable with Halifax, and for using the Imperial cable for Newfoundland traffic. Mr. Coaker therefore took no action with respect to the letter.

I have, &c.,

ARTHUR MEWS,

Deputy Colonial Secretary.

His Excellency

Sir Wm. H. Horwood, Kt.,

Administrator.

* No. 113.

SECTION VII (c): IMPERIAL COMMUNICATIONS (SHIPPING.)

As regards the Report of the Imperial Shipping Committee on Bills of Lading,* it was decided to adopt the following Resolution:—

"The Conference approves the recommendations made in the Report of the Imperial Shipping Committee on the Limitation of Shipowners' Liability by Clauses in Bills of Lading, and recommends the various Governments represented at the Conference to introduce uniform legislation on the lines laid down by the Committee."

A Resolution was also adopted to the effect that, pending the constitution of a permanent Committee on Shipping, the existing Imperial Shipping Committee should continue its inquiries.

The representatives of His Majesty's Government and the Governments of New Zealand and India were ready to agree to a wider Resolution recommending the constitution under Royal Charter of a permanent Committee to carry out the duties specified in the Report of the Imperial Shipping Committee dated 3rd June, viz.:—

(i) To perform such duty as may be entrusted to them under laws in regard to Inter-Imperial Shipping, applicable to the whole or to important parts of the Empire;

(ii) To inquire into complaints in regard to ocean freights and conditions in Inter-Imperial trade or questions of a similar nature referred to them by any of the Governments of the Empire;

(iii) To exercise conciliation between the interests concerned in Inter-Imperial Shipping;

(iv) To promote co-ordination in regard to harbours and other facilities necessary for Inter-Imperial Shipping.

The representative of Canada, however, did not agree to this wider Resolution, and the representatives of the Commonwealth of Australia and the Union of South Africa reserved the matter for further consideration.

The position as regards rebates was discussed and strong representations were made by Dominion Ministers in regard to it, but no resolution was passed, it being understood that the matter is at present under consideration by the Imperial Shipping Committee.

Secretariat Note.—See under Resolutions XI. and XXIV. of the Imperial War Conference, 1918 (page 42 of this volume).

* Published as [Cmd. 1205.]

SECTION VII. (d): IMPERIAL COMMUNICATIONS
(WIRELESS TELEPHONY.)

That the Radio Research Board be asked to investigate the subject of Wireless Telephony and to report on its development, whether Governmental or private.

That the Postmaster-General shall supply to the Governments of the Dominions and India technical reports showing its position and possibilities.

24646

No. 116.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by No. 117.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 168. Confidential.)

[MY LORD,] [SIR.]

Downing Street, 30th May, 1922.

With reference to the resolution regarding Wireless Telephony adopted at the Conference of Prime Ministers and representatives of the United Kingdom, the Dominions and India last year, and printed on page 7 of [Cmd. 1474], a copy of which was enclosed in my despatch, Dominions No. 335 of the 19th of August last,* I have the honour to request [Your Excellency] [Your Royal Highness] [you] to inform your Ministers that the Sub-Committee appointed by the Radio Research Board of the Department of Scientific and Industrial Research, in accordance with that resolution, to investigate the subject of wireless telephony and to report on its development, whether Governmental or private, has now completed the examination of the position of radio-telephony in this country.

2. At the request of the Postmaster-General, and in pursuance of the last part of the above-mentioned resolution, I have to transmit to you, for the information of your Ministers, the accompanying copy of the first report† of the Sub-Committee.

3. In forwarding this report, the Postmaster-General observes that it will be seen that the Committee see no line of development which would be likely to lead to the establishment of satisfactory radio-telephone communication on a commercial basis, over distances comparable to those between this country and the overseas Dominions, within a measurable period.

4. With regard to the last paragraph of the report, the Postmaster-General has informed the Department of Scientific and Industrial Research that if any general investigation into the conditions of radio research in America should be contemplated, he would be glad if the present position and prospects of radio-telephony there could be included in the scope of the inquiry, but that he scarcely thinks it necessary, in view of the remarks of the Sub-Committee, that any visit should be paid to America for the investigation of radio-telephony alone.

5. As regards the possibility of further action in this country, the Postmaster-General has suggested that the Sub-Committee should be invited to recommend a programme of investigation with a view to the improvement and development of radio-telephone communication.

I have, &c.,

WINSTON S. CHURCHILL.

34699

No. 117.

CANADA.

THE DEPUTY GOVERNOR-GENERAL TO THE SECRETARY OF STATE.
(Received 17th July, 1922.)

(Confidential.)

SIR,

Ottawa, 6th July, 1922.

With reference to your Confidential despatch, Dominions No. 168 of the 30th May,‡ on the subject of wireless telephony, I have the honour to inform you

* 41931: not printed; see Secretariat note on page 226 of Dominions No. 73.

here; see No. 118.

‡ No. 116.

† Not printed

that the contents of the report transmitted with the despatch have been carefully noted in the Department of the Naval Service. That Department is interested in radiotelephone questions, and, should the programme of investigations and development of radiotelephone communications be carried out as suggested in the final paragraph of your despatch, would be glad to receive full details of such investigations.

I have, &c.,

L. H. DAVIES.

Deputy Governor-General.

37969

No. 118.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 281. Confidential.)

[My Lord.] [Sir.]

Downing Street, 11th August, 1922.

With reference to my Confidential despatch Dominions No. 168 of the 30th of May,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, further copies of the Report of the Sub-Committee of the Radio Research Board on Radio Telephony [Cmd. 1707].

It will be observed that this Report has now been published as a Parliamentary Paper, and is therefore no longer confidential.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 116.

SECTION X.: EMPIRE SETTLEMENT AND MIGRATION.

The Conference having satisfied itself that the proposals embodied in the Report* of the Conference on State-aided Empire Settlement are sound in principle, and that the several Dominions are prepared, subject to Parliamentary sanction and to the necessary financial arrangements being made, to co-operate effectively with the United Kingdom in the development of the schemes based on these proposals, but adapted to the particular circumstances and conditions of each Dominion, approves the aforesaid Report.

The South African representatives wish to make it clear that the limited field for white labour in South Africa will preclude co-operation by the Union Government on the lines contemplated by the other Dominions.

(2) The Conference expresses the hope that the Government of the United Kingdom will, at the earliest possible moment, secure the necessary powers to enable it to carry out its part in any schemes of co-operation which may subsequently be agreed on, preferably in the form of an Act which will make clear that the policy of co-operation now adopted is intended to be permanent.

(3) The Conference recommends to the Governments of the several Dominions that they should consider how far their existing legislation on the subject of land settlement, soldier settlement, and immigration may require any modification or expansion in order to secure effective co-operation; and should work out, for discussion with the Government of the United Kingdom, such proposals as may appear to them most practicable and best suited to their interests and circumstances.

Secretariat Note.—See correspondence printed in Dominions No. 89.

* Appendix V. of [Cmd. 1474.]

SECTION XI.: EMPIRE PATENT.

The Committee recommends that a Conference of representatives of the Patent Offices of His Majesty's Dominions shall be held in London at an early date to consider the practicability of instituting a system of granting Patents which should be valid throughout the British Empire.

(See pages 258-267 of *Dominions No. 73*.)

3809

No. 119.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24th January, 1922.)

(No. 804.)

SIR, Governor-General's Office, Pretoria, 30th December, 1921.
I HAVE the honour to transmit to you herewith, in confirmation of my telegram of 29th December, 1921,* copy of a Minute from Ministers, dated 28th December, 1921, on the subject of the establishment of an Empire Patent.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 119.

(Minute No. 1210.)

Prime Minister's Office, 28th December, 1921.

MINISTERS have the honour to acknowledge receipt of Minute No. 57/64, of the 19th instant, from His Royal Highness the Governor-General, transmitting a copy of a despatch, No. 469, dated the 24th ultimo, from the Right Honourable the Secretary of State for the Colonies in connexion with the proposed Conference on the subject of the establishment of an Empire Patent, and to say that the 1st May, 1922, the date suggested for the Conference, is acceptable to Ministers, and that Mr. Carl Wilhelm Thalman Biecard Juta, Registrar of Patents for the Union of South Africa, will be the Government's representative.

N. J. DE WET.

9059

No. 120.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 25th February, 1922.)

(No. 24.)

SIR, Government House, St. John's, 31st January, 1922.
I HAVE the honour to acknowledge the receipt of your despatch, Dominions No. 469 of the 24th November last,† on the subject of a proposed Conference relative to the establishment of an Empire Patent, and to inform you that my Ministers have no objection to offer to the date (1st May next) suggested for the meeting of the Conference.

2. My Ministers do not desire that this Colony should have a representative at the Conference; they suggest that if questions arise upon which it would be necessary to consult Newfoundland, reference might be made to the High Commissioner or his Secretary.

I have, &c.,

C. ALEXANDER HARRIS.

* 64259: not printed; it gave substance of Enclosure in No. 119. † No. 376 in Dominions No. 73.

8889

No. 121.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th February, 1922.)

[Answered by No. 127.]

(No. 52.)

SIR,

Government House, Ottawa, 6th February, 1922.
WITH reference to your despatch Dominions No. 469, of the 24th November last,* asking for the name of Canada's representative to the Patent Conference, which it is proposed to hold in London in May next, I have the honour to inform you that it has been decided by my Government not to send a representative to this proposed Conference.

I have, &c.,

BYNG OF VIMY.

11745

No. 122.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.55 a.m., 11th March, 1922.)

TELEGRAM.

11TH MARCH. Your despatch 24th November, Dominions No. 469,* Empire Patent. Government of Commonwealth of Australia has appointed R. G. Ferguson, Commissioner for Patents, as Commonwealth Representative at proposed Conference. Glad to receive advice urgently whether proposed date of meeting 1st May next has been altered. It would be great convenience to Commonwealth if date of meeting should not be prior 15th May next.—GOVERNOR-GENERAL.

11745

No. 123.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 4.45 p.m., 16th March, 1922.)

TELEGRAM.

[Answered by Nos. 124, 125, 126.]

(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)

16TH MARCH. Patent Conference. Position now is that Patent Offices Australia, New Zealand, Union of South Africa, and India, as well as Patent Office here, can be represented. Unless your Ministers think that absence of representation of Canada and Newfoundland makes it undesirable to proceed further proposed that arrangements for Conference should go on, but that date should be postponed to 12th June so as to give time for oversea representatives to arrive here. Please telegraph reply. Similar telegram sent to other Dominions concerned.—SECRETARY OF STATE FOR THE COLONIES.

* No. 376 in Dominions No. 73.

13779

No. 124.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 23rd March, 1922.)

TELEGRAM.

23RD MARCH. Your telegram, 16th March.* Government of Commonwealth of Australia concurs in proposal hold Patent Conference 12th June next.—GOVERNOR-GENERAL.

13781

No. 125.

NEW ZEALAND

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 a.m., 23rd March, 1922.)

TELEGRAM.

23RD MARCH. Your despatch 24th November, your telegram 16th March.† My Ministers agree to Patent Conference meeting about 12th June and have appointed Lewis, Registrar of Patents, as New Zealand Representative.—JELlicoe.

16092

No. 126.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.25 a.m., 4th April, 1922.)

TELEGRAM.

3RD APRIL. Your telegram 16th March*; Patent Conference. Ministers have no enthusiasm for Conference, and feel that absence of Canadian and Newfoundland representatives will reduce to minimum any prospect of it serving useful purpose. As, however, head of Union Patent Office will be on leave in London at the time proposed for holding Conference, Government prepared to ask him to attend provided remaining Dominions anxious to proceed with matter. Your telegram 29th March‡ since received and communicated to Ministers.—ARTHUR FREDERICK.

16092

No. 127.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 6th April, 1922.)

TELEGRAM.

[Answered by No. 128.]

6TH APRIL. Your despatch of 6th February, No. 52,§ Patent Conference Position now is that Patent Offices Australia, New Zealand, Union of South Africa, and India, as well as Patent Office here will be represented; date has been postponed to 12th June. It is felt, however, that absence of Canadian representative may seriously prejudice usefulness of Conference, and accordingly hoped that your Ministers may see their way to reconsider decision in view of replies received from other Dominions.—SECRETARY OF STATE FOR THE COLONIES.

* No. 123. † No. 376 in Dominions No. 73 and No. 123. ‡ 14741; not printed; reminder, stating that Commonwealth and New Zealand agreed to appoint representatives. § No. 121.

18983

No. 128.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.5 a.m., 22nd April, 1922.)

TELEGRAM.

21ST APRIL. Your telegram 6th April.* My Ministers represent that on reconsideration of question Mr. W. J. Lynch, I.S.O., Chief of Patent Office, has been appointed to represent Canada at Patent Conference to be held in London next June.—Byng.

40312

No. 129.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 130, 131, 132.]

(Canada.	} Dominions No. 300.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD,] [SIR,]

Downing Street, 18th August, 1922.

WITH reference to my despatch, Dominions No. 469 of the 24th of November, 1921,† I have the honour to transmit to [Your Excellency] [Your Royal Highness] [you] to be laid before your Ministers, copies of the Report‡ of the British Empire Patent Conference.

2. I should be glad to learn whether your Ministers will be prepared to accept the "Provisional Scheme" for the registration of patents granted in the United Kingdom outlined on pages 12—18 of the Report, and to make any necessary provision in the [Canadian] [Commonwealth of Australia] [New Zealand] [Union of South Africa] [Newfoundland] Patent laws for giving effect to it.

I have, &c.,

WINSTON S. CHURCHILL.

53692

No. 130.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30th October, 1922.)

(No. 553.)

SIR,

Ottawa, 14th October, 1922.

WITH reference to your despatch, Dominions No. 300 of the 18th August,§ transmitting copies of the Report of the British Empire Patent Conference and asking whether Canada would be prepared to accept the "Provisional Scheme" for the registration of patents granted in the United Kingdom as outlined in this Report, I have the honour to inform you that the Canadian Government is not prepared to accept this "Provisional Scheme" for the reason that, while it provides for the extension to Canada by registration of patents granted in the United Kingdom, it contains no reciprocal provision for the extension to the United Kingdom of patents granted in Canada.

I have, &c.,

L. H. DAVIES.

Deputy Governor-General.

* No. 127. † No. 376 in Dominions No. 73. ‡ Printed as a Stationery Office Publication. § No. 129.

59855

No. 131.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th December, 1922.)

(No. 294.)

SIR, Government House, Wellington, 24th October, 1922.
 WITH reference to your despatch, Dominions No. 300, of the 18th August,* relative to the "Provisional Scheme" approved by the British Empire Patent Conference, 1922, for the registration in other parts of the Empire of patents granted in the United Kingdom, outlined on pages 12-18 of the Report of the Conference, I have the honour to inform you that my Ministers advise me that the adoption of this "Provisional Scheme" is receiving favourable consideration.

2. The only material at present available consists in the printed Report of the Conference, and the written Report of the New Zealand delegate, Mr. J. C. Lewis, and my Government have considered it advisable to defer final decision in the matter until an opportunity has presented itself of receiving a further oral report from Mr. Lewis upon his return to New Zealand before the end of this year.

I have, &c.,

JELICOE,
 Governor-General.

61409

No. 132.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th December, 1922.)

(No. 619.)

MY LORD DUKE, Governor-General's Office, Pretoria, 22nd November, 1922.

WITH reference to your predecessor's despatch, Dominions No. 300, of the 18th August,* I have the honour to transmit to Your Grace the accompanying copy of a Minute from my Ministers regarding the Report of the British Empire Patent Conference.

I have, &c.,

ARTHUR FREDERICK,
 Governor-General.

Enclosure in No. 132.

MINUTE No. 927.

Prime Minister's Office, Pretoria, 21st November, 1922.

1. MINISTERS have the honour to refer to Minute No. 57/74, dated the 15th September last, from His Royal Highness the Governor-General transmitting a copy of despatch No. 300, dated the 18th August, from the Secretary of State for the Colonies on the subject of the Report of the British Empire Patents Conference, and to inform His Royal Highness, in view of the great amount of consolidating and other legislation which is awaiting the consideration of Parliament, that there is no prospect of legislation in the near future to amend the Patents, Designs, Trade Marks and Copyright Act which was passed comparatively recently.

2. Ministers think, therefore, that it will be necessary to let the proposals contained in the Report of the British Empire Patents Conference, 1922, stand over for the present, and they should be glad to be informed in the meantime which of the Governments of the other Dominions have signified their intention to accept the "provisional scheme."

F. S. MALAN.

* No. 129.

SECTION XII: NATIONALITY.

The Committee having considered the Memorandum prepared in the Home Office regarding the nationality of the children born abroad of British parents, commends the principle of the proposals contained therein to the favourable consideration of the Governments of the Dominions and India.

Secretariat Note.—See under Resolutions XIX. and XX. of the Imperial War Conference, 1918 (pages 55-63 of this volume).

The Home Office Memorandum will be found on pages 65-66 of [Cmd. 1474].

SECTION XIII:—CONDOMINIUM IN THE NEW HEBRIDES.

(See also Australian No. 225.)

26286

No. 133.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Commonwealth of Australia. No. 202.)

(New Zealand. No. 100.)

MY LORD,

Downing Street, 29th May, 1922.

I HAVE the honour to request Your Excellency to inform your Ministers that the Protocol respecting the New Hebrides signed at London on the 6th of August, 1914, which came under discussion at the meeting of Prime Ministers held last year, has now been ratified with effect as from the 18th of March.

2. The Protocol will shortly be laid before Parliament, and copies will be forwarded in the usual way as soon as they are available.

3. The question of the reopening of the Joint Court and other arrangements necessitated by the Protocol are now the subject of correspondence between His Majesty's Government and the French Government. There are certain practical difficulties at the moment, more especially as regards the personnel of the Court, but I trust that these will be removed in the near future.

I have, &c.,

WINSTON S. CHURCHILL.

Secretariat Note.—Copies of the Protocol [Cd. 1681] were sent to the Dominions by despatch, Dominions No. 209 of the 13th June, 1922. Copies of the New Hebrides Order in Council (20th June, 1922), were sent to the Dominions by despatch, Dominions No. 237 of the 14th July, 1922.

V.

PUBLICATION OF PROCEEDINGS.

22518/S

No. 134.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.50 a.m., 12th May, 1922.)

TELEGRAM.

[Answered by No. 137.]

(Paraphrase.)

11TH MAY. Secret. Following message from my Prime Minister. *Begins:* In accordance with a request of the Leader of the Opposition and an order of the House for "a copy of all correspondence and documents exchanged between the Canadian and the British Governments leading up to and concerning Prime Ministers Conference, 1921," I should like to be placed in a position to bring down to Parliament the correspondence* indicated below with enclosures or such portions thereof as it may be in the public interest to publish.

Colonial Office Secret telegrams to Governor-General of 26th February, 9th March, 2nd April and 26th April, 1921, and despatches Secret Dominions No. 257 of 29th June, Secret Dominions No. 286 of 19th July, Secret Dominions No. 295 of 23rd July, and Secret Dominions No. 323 of 11th August, 1921.

Governor-General's Secret telegrams to Colonial Office of 2nd March and 14th March, 1921.

Will you please let me know by telegram whether I have your consent to the above correspondence being made public in its entirety or in part.

There are also the following telegraphic communications relating to the Anglo-Japanese Alliance to the publication of which you may desire to withhold consent. If, however, you should consider it permissible to publish them in whole or in part I shall be pleased to bring them down omitting such portions as you may indicate. Telegrams to your Prime Minister from Prime Minister dated 15th February and 1st April, 1921, your despatch of 13th June, 1921, relating to Dominions No. 192 of 11th May, and telegrams to Prime Minister from your Prime Minister dated 26th February, 22nd April and 26th April.—BYNG.

28201

No. 135.

HOUSE OF COMMONS.

14th June, 1922.

IMPERIAL CONFERENCES, 1917-18 (REPORTS.)

MR. HURD asked the Prime Minister whether a full report of the proceedings of the Imperial Conferences of 1917 and 1918 can now be published?

Mr. Chamberlain (Leader of the House): Extracts from minutes of proceedings and papers laid before the Imperial War Conferences of 1917 and 1918 were published as Parliamentary Papers in May, 1917, and October, 1918. As at present advised, I do not think that the time has yet come for considering the question of publishing full reports, which would, in any event, necessitate detailed examination of the proceedings by His Majesty's Government and reference to all the Dominion Governments represented at the Conferences. The decision to publish, if taken at all, could be properly taken only by the Imperial Conference as a whole.

* For substance of the correspondence referred to see paragraph (b) in No. 137.

Mr. Hurd: Will the right hon. Gentleman say whether the decisions of these two Conferences do not now form the basis of policy, not only in this country, but in many of the Dominions, and how can public opinion be properly informed unless the public get something more than the bald publication which has already been made?

Mr. Chamberlain: These Conferences were in the nature of Cabinet Councils, and for their full usefulness the secrecy usually attaching to the proceedings of Ministers in Council must be observed. I do not think that the time has come when these proceedings should be published in full, if, indeed, as I say, that time should ever come, until the historian deals with that period.

Mr. Hurd: Have not the Blue Books published in reference to earlier Conferences been the means of giving information to the public as to matters on which policy is now based?

Mr. Chamberlain: In the years between the earlier Imperial Conferences and the later meetings, such as those of 1917 and 1918, immense strides forward have been made, and the matters taken into consideration at the later Conferences were in many cases of a much more confidential character, but even as regards the earlier Conferences I think that particular discussions were not published.

29789

No. 136.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.20 p.m., 20th June, 1922.)

TELEGRAM.

[Answered by No. 137.]

(Paraphrase.)

20TH JUNE. With reference to your telegram 25th May,* my Prime Minister desires to lay papers relating to Conference of Prime Ministers as indicated in my telegram 9th May† [11th May], on table of House by Wednesday. Please telegraph immediate reply to inquiries contained in that telegram.—BYNG.

26634

No. 137.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 21st June, 1922.)

TELEGRAM.

FOLLOWING from Prime Minister for your Prime Minister:—Begins: 21st June. Your telegram of 11th May† raises questions of so important and delicate a nature that we have felt justified in reserving it for very careful reflection. There is pressure here for the publication of the confidential proceedings of the 1917 and 1918 Imperial Conferences and we have had to take this into account together with your proposal since it involves very similar considerations. Our decision regarding the proposal made to us in our own Parliament is that publication would be improper and undesirable until the question has been discussed by the Imperial Conference as a whole and publication approved by that body with full knowledge of the really vital issues involved. After weighing your proposal so less carefully we consider that it should be reserved in the same manner, and we believe that you will share this opinion in view of the following considerations which have governed our own decision.

(1) The Imperial Conference has a very delicate and momentous part to play in maintaining the peace of the world, the interests of the different nations of the Commonwealth, and the unity of those nations in a world-wide system of citizenship under one sovereign. It is feeling its way in accordance with the practical sense

* 24877: not printed: an interim reply to No. 134.

† No. 134.

of the British peoples. It is making its own precedents, and it is bound to do so with the utmost care if its character and procedure are to represent the will and sentiment of all the constituent nations. It has accordingly set its face against hasty developments and innovations. These have never yet been accepted by Conference when in session, and loyalty to spirit of Conference appears to us to enjoin a similar caution upon all the partner Governments in their individual capacity.

(2) Proceedings of Imperial Conference are collective property of that body. It was very strongly urged by more than one Prime Minister at the 1921 Conference that no individual Government or Governments amongst those which constitute Conference would be justified in taking separate action or coming to separate decisions on Constitutional matters which affect position of other Governments within the Conference or Constitutional practice of Empire.

(3) Publication of past proceedings of Conference should in our opinion be considered in the light of both preceding paragraphs, since a decision to publish would inevitably alter character and narrow utility of future sessions. We need not recapitulate here reasons for universal custom under British constitutions of maintaining confidential and intimate character of Cabinet discussions. Sufficient to say that if that custom were to be changed and Cabinet discussions made liable to publicity of debates in Parliament, collective responsibility of Ministers as colleagues in a Government would *ipso facto* disappear and with it all that is most valuable in system of Cabinet government. There is same collective responsibility in members of Imperial Conference. They are colleagues in a system of even wider and more difficult responsibility than that of a single national government, and if their discussions are to be published like Parliamentary debates except by general agreement, they will not in future be able to exchange views and discuss differences upon same intimate and informal terms as have hitherto prevailed. Reconciliation of divergent views which often arises naturally out of frank and confidential discussion would thus become increasingly difficult. Publicity would of necessity stereotype differences of opinion which without it would have been capable of mutual accommodation and essential objects of Imperial Conference would be thus sacrificed.

(4) Foregoing observations regarding character and function of Imperial Conference appear to us important not only with regard to proceedings of Conference itself but with regard to communications exchanged between Governments of Empire on Imperial Conference business before and after sessions of Conference. Other Governments entrust to the British Government and Foreign Office responsibility of conducting foreign policy of the Empire upon the lines which Imperial Conference lays down. In view of this and in order to meet needs of Imperial Conference for complete information, we place all the arguments and documents upon vital matters of policy at disposal of Dominion Prime Ministers. This was done before last Imperial Conference and will be always done while present conditions obtain, but if everything communicated in this manner is to become subject to requests for publication afterwards when Imperial Conference is not in session and cannot weigh arguments for and against publicity, we shall be compelled against our will to communicate nothing which, in our opinion, is unsuitable for eventual publication. To impose such restrictions on inter-Imperial consultation would be to erect new barriers between Governments of Empire in the discussion of general policy and other matters of vital common interest. We except, of course, matters of purely domestic concern between two governments of the Empire, for example, the cattle embargo question between yourselves and us.

(5) Above are general considerations. We attach so much importance to them that we are against creation of any precedent in favour of publication except in case of documents prepared with a view to publication and passed for publication by whole Imperial Conference. If once a certain number of the confidential documents relating to Imperial Conference became public, it would be harder to resist other demands of the same nature and the Conference would find itself committed to a practice of publicity entirely prejudicial to its present intimate and informal character. This objection applies equally to all the confidential documents of Conference, though many of them may not be of a specially secret character.

(6) With regard to specific documents enumerated by you, Foreign Office takes particular exception to publication of those dealing with Anglo-Japanese Alliance, Pacific question, Egyptian question, and question of petroleum in Mesopotamia and Palestine. Lord Balfour, however, adds in his minute on the subject that the publication of any of the documents requested even where there is no special inherent

objection would constitute a very embarrassing and inconvenient precedent in the conduct of delicate relations with foreign Governments and he begs that none at all should be published until the wide issues raised by your proposal can be discussed by the Imperial Conference. The same view is taken by other Departments with regard to documents in which they are specially concerned.

(7) The advice of Lord Balfour as Acting Foreign Secretary upon the special responsibility of Foreign Office to the Conference therefore strongly reinforces arguments which I have used regarding general responsibility of this Government as trustee for the Conference; and our view of your proposal is the same whether we regard it in our capacity of agents of the foreign policy laid down by the Imperial Conference or in our capacity of guardians of the character and practice of the Conference when not in session. We cannot consider ourselves as having power to agree in name of the Conference to the creation of such a precedent, and for that reason we ask that it be reserved for decision by the Conference as a whole. On the other hand, we are strongly of opinion that arrangements for publicity hitherto made by Imperial Conference are inadequate, and we suggest that whole question should be thoroughly reviewed at the next session which is due to be held, if convenient to the various Governments, next summer.

(8) I should add that the admission of the Irish Free State as a Dominion to the Imperial Conference increases complexity of the Conference's functions and renders it essential that the constitutional practice of Empire should be governed by the decision of the Conference in its corporate capacity. This is view of constitutional procedure which has consistently been taken throughout our deliberations on the Irish settlement.

(9) We are repeating this telegram to the other Dominions and are ready to concur in its publication with the omission of one or two specific references to foreign countries if you and they agree in considering this desirable. Ends.—
SECRETARY OF STATE FOR THE COLONIES.

26634

No. 138.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 22nd June, 1922.)

TELEGRAM.

[Answered by Nos. 140, 143 and 146.]

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Paraphrase.)

22ND JUNE. Telegram was recently received from Prime Minister of Canada saying that he would be glad to be in a position to lay before Canadian Parliament certain correspondence prior to last year's Imperial meetings, and also a number of the papers laid before Conference. Prime Minister has sent following message in reply. *Begins:* 21st June. Your telegram . . . [see No. 137] . . . desirable. *Ends.*

Please communicate to your Prime Minister.—SECRETARY OF STATE FOR THE COLONIES.

26634

No. 139.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Confidential.)

SIR,

Downing Street, 24th June, 1922.

I HAVE the honour to inform you that the Prime Minister of Canada recently telegraphed that he would be glad to be in a position to lay before the Canadian Parliament certain correspondence prior to the Imperial Meetings of 1921, and also a number of the papers laid before the Conference.

2. The message of which I enclose a copy,* has been sent by the Prime Minister to Mr. Mackenzie King in reply, and I shall be glad if you will communicate it to your Prime Minister.

I have, &c.,

WINSTON S. CHURCHILL.

30745

No. 140.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.52 p.m., 24th June, 1922.)

TELEGRAM.

(Paraphrase.)

24TH JUNE. Your telegram 22nd June.† Government of New Zealand is very strongly in agreement with the view that the question of publication is one which should be reserved for discussion and decision by the Imperial Conference itself. In view, moreover, of possible differences of opinion on the part of any Dominion, Government of New Zealand considers that at the present juncture it would be better that Mr. Lloyd George's telegram* to Prime Minister of Canada should not be published, but that if any statement is published it should be confined to stating that question of publication of certain proceedings and papers relating to last Imperial Conference had been raised, but that it had been decided after consultation with respective Dominion Governments that no such action will be taken until after the next Conference has discussed the question.—JELlicoe.

30823

No. 141.

VISCOUNT PEEL (SECRETARY OF STATE FOR INDIA) TO MR. WINSTON CHURCHILL.

(Received 27th June, 1922.)

(Extract.)

MY DEAR CHURCHILL,

India Office, London, S.W.1. 26th June, 1922.

MANY thanks for your letter of the 24th June, forwarding me a copy of the message* sent to the Prime Minister of Canada about the Imperial Conference papers.

I am inclined to think that, as the chief representative of India at last year's Imperial Conference was the Secretary of State for India, and the Government of India therefore had not such a direct relation with the Conference as the Governments of the Dominions, it would be enough to send the Viceroy a copy of this telegram by mail. The Government of India have so far raised no question of publication, and if they did it would naturally be dealt with by the Secretary of State in the light of the Prime Minister's telegram to Mr. Mackenzie King.

Yours sincerely,
PEEL.

30745

No. 142.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Sent 11.50 a.m., 30th June, 1922.)

TELEGRAM.

(Canada.)

(Union of South Africa.)

(Commonwealth of Australia.)

(Paraphrase.)

30TH JUNE. With reference to my telegram‡ of [21st June] [22nd June] regarding meetings of Prime Ministers, 1921, please communicate to your Prime Minister the following telegram which has been received from Governor-General of New Zealand. *Begins:* Your telegram . . . [see No. 140] . . . the question. *Ends.*—SECRETARY OF STATE FOR THE COLONIES.

* No. 137.

† No. 138.

‡ Nos. 137 and 138.

31634

No. 143.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.35 p.m., 30th June, 1922.)

TELEGRAM.

(Paraphrase.)

30TH JUNE. Your telegram 22nd June,* following from my Prime Minister for Prime Minister:

Begins: I concur in your reply to Prime Minister of Canada. It would be a mistake to disturb now the conclusions of the last Prime Ministers' Conference, which settled very carefully what information should be published. Government of India's unauthorized publication of memorandum** on treatment of Indians in the Empire has been most embarrassing, and similar steps in other cases will militate gravely against usefulness of Conference in the future. It should be understood clearly that Prime Ministers' Conference deals with most confidential aspects of Imperial policy, and is not body like old Imperial Conference discussing questions of general importance in the Empire, such as patents, naturalization, etc. Same secrecy should attach to proceedings as to those of Cabinet. With reference to your telegram, paragraph 9, I am doubtful of the wisdom of publishing your message and drawing attention thereby to the matter and evoking charges of secret diplomacy. It should be assured that there is nothing more to publish beyond what was agreed last July. *Ends.*

—ARTHUR FREDERICK.

31634

No. 144.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.55 p.m., 4th July, 1922.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

PLEASE communicate to your Prime Minister the following telegram which has been received from the Governor-General of the Union of South Africa on the subject of Conference of Prime Ministers, 1921: *Begins:* 30th June. Your telegram . . . [See No. 143] . . . last July.—*Ends.*

See my despatch Dominions No. 475 of 28th November† Secret for memorandum on Indian question referred to.—SECRETARY OF STATE FOR THE COLONIES.

33024

No. 145.

HOUSE OF COMMONS.

10th July, 1922.

IMPERIAL CONFERENCE, 1917-18.

MR. HURD asked the Prime Minister whether, in accordance with the practice followed in the case of earlier Conferences he will cause to be issued, for the information of the public, the statistical and other papers concerning the resources of the Empire which were submitted to the Imperial Conferences of 1917 and 1918 in so far as they are not deemed to be confidential?

* No. 138. † 56506: not printed; it enclosed copy of memorandum,** and explained that its publication was due to an error in cyphering a telegram of instructions sent from India Office to India. ** Memo E.13 laid before the meeting of representatives of the Dominions and India, 1921.

The Prime Minister: I would refer my hon. Friend to the answer given to him by the Leader of the House on the 14th June.* The statistical information laid before the Conferences of 1917 and 1918 could not properly be separated from, or published apart from, the confidential discussions with which it was connected.

Mr. Hurd: In all the previous Conferences has there not been detailed publication, subsequent to the Conference, of proceedings which were not confidential?

The Prime Minister: In the case of some of the Conferences that is so, but the Conferences are assuming quite a different character. Each successive Conference is more in the form of Cabinet discussions on the policy of the Empire. That makes it increasingly difficult to publish part of the discussions without the whole, and to publish the whole would be destructive of the very object we have in view, which is to secure confidential discussion between the Dominions and the Mother Country as to the policy which the Empire is to pursue.

33340

No. 146.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.30 a.m., 10th July, 1922.)

TELEGRAM.

(Paraphrase.)

10TH JULY. Following is message from my Prime Minister. *Begins:* Your telegram 22nd June,† entirely agree your views regarding publication of part proceedings of Conference. I feel very strongly opposed to any departure from the established practice, and this is to be regarded as Commonwealth Government's emphatic protest against any publication except as agreed upon unanimously by representatives of the different parts of the Empire. Proposal to publish your telegram with or without suggested deletion is also opposed by Commonwealth Government. It would in my opinion be most unwise to raise the question, and I strongly deprecate course suggested.—HUGHES.—*Ends.*—GOVERNOR-GENERAL.

33340

No. 147.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.15 p.m., 12th July, 1922.)

TELEGRAM.

(Canada.)

(Union of South Africa.)

(New Zealand.)

(Paraphrase.)

12TH JULY. Conference of Prime Ministers. Following telegram from Governor-General, Commonwealth of Australia, is for communication to your Prime Minister. *Begins:* Following is message . . . [See No. 146] . . . course suggested.—HUGHES.—*Ends.*—SECRETARY OF STATE FOR THE COLONIES.

* See No. 135.

† No. 138.

VI.

VALIDITY OF INTERNATIONAL MARRIAGES.

55698

No. 148.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th November, 1922.)

(No. 381.)

SIR,

Melbourne, 4th October, 1922.

I HAVE the honour, at the instance of my Prime Minister, to inform you that a question has been raised in regard to the validity of marriages contracted between Australians and foreigners.

It is thought that it would probably be within the powers of the Commonwealth Parliament to enact that all such marriages shall be valid, but that validity would probably not be recognized outside Australia if the foreigner was not, by the law of his country of domicile, capable of contracting the marriage. Such legislation, however, would not go far to improve the position, and while Imperial legislation extending to all the Dominions would advance matters a little further, it is considered that it would be inadvisable to interfere with the established rules of international law in this connexion.

In order that some action might be taken which would lead to a satisfactory settlement of the question, my Ministers have suggested that His Majesty's Government might be asked to consider the desirability of discussing the matter at an Imperial Conference with a view to international arrangements being made which would be acceptable to all parties concerned; and I should be glad if you would be so good as to take the necessary steps to give effect thereto.

I have, &c.,

FORSTER,

Governor-General.

Secretariat Note.—A reply to this despatch was sent in 1923; and the question was discussed at the Imperial Conference, 1923. See pages 22-23 of Cmd. 1987, and pages 148-150 of Cmd. 1988.

VII.

LIABILITY OF FOREIGN GOVERNMENTS TO TAXATION.

4573

No. 149.

THE UNITED STATES AMBASSADOR TO THE SECRETARY OF STATE FOR FOREIGN AFFAIRS.

(Received in Colonial Office 13th January, 1921.)

[Answered by No. 150.]

(No. 714.)

THE American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs, and has the honour to inform Earl Curzon that he is in receipt of a communication from the Department of State in Washington, relative to the assessment by the Governments of New Zealand, India, and the Straits Settlements, of income and excess profits taxes upon earnings derived from the operation of vessels in the ownership of the United States Shipping Board, through agents in the above-mentioned Dominions and Colonies.

In this connexion Mr. Davis ventures to transmit, for Lord Curzon's information, copy of a letter dated 5th March, 1920,* together with its enclosures, from the United States Shipping Board. Two of the enclosures are an opinion rendered by the Solicitor-General of New Zealand, and a letter from the Land and Income Tax Department of New Zealand to Messrs. Johnston & Company, Limited, the agents of the Luckenbach Steamship Company, operator of the s.s. "Western Comet," for the United States Shipping Board. The situation in New Zealand as set forth in the opinion of the Solicitor-General of that Colony, would appear to be that income derived from the operation of United States Shipping Board vessels through agents in New Zealand is subject to tax under the Land and Income Tax Act of 1916, but that the New Zealand Government cannot enforce that obligation against the agents of the United States Shipping Board. From the letter dated 17th December, 1919, addressed by the Land and Income Tax Department of New Zealand to Messrs. Johnston & Company, Limited, the agents of the Luckenbach Steamship Company, operator of the steamship "Western Comet" for the Shipping Board, it would appear that the Land and Income Tax Department of the New Zealand Government is prepared to refund the tax already paid by Messrs. Johnston & Company, Limited, upon the earnings of the steamship "Western Comet," if the United States Government refuses to recognize such obligation in respect of trading operations carried on within New Zealand.

Mr. Davis is also advised that the attention of his Government has been called to the fact that the Governments of India and the Straits Settlements are assessing income and excess profits taxes on the earnings derived from the operation of Shipping Board vessels through agents in those countries.

From the foregoing it would appear that the tax is claimed by the Governments of India and the Straits Settlements upon the theory that the Emergency Fleet Corporation, through which the United States Shipping Board operates its vessels, is a foreign corporation doing business in those British possessions within the meaning of their taxation laws.

In this relation the Shipping Board has submitted to the United States Government the fact that:—

"Acting in pursuance of Section II of the Shipping Act of 1916, the United States Shipping Board incorporated the Emergency Fleet Corporation under the laws of the District of Columbia, 'for the purchase, construction, equipment, lease, charter, maintenance and operation of merchant vessels in the commerce of the United States'; that the capital stock of this corporation was fixed by said Section at \$50,000,000, the Shipping Board being authorized to subscribe, purchase and vote not less than a majority thereof; that the Shipping Board did actually purchase all stock of this corporation, and now owns and controls the same; that all the vessels operated by the Emergency Fleet Corporation have been and now are vessels owned by the Shipping Board, and that the revenues derived from the operation are monies that must be covered into the Treasury of the United States."

* Not printed; see below for substance.

Mr. Davis has been instructed to invite Lord Curzon's attention to the fact that exemption from the payment of tax upon income derived from the operation of vessels owned by foreign governments, through agents in the United States, is secured under the United States Revenue Act of 1918, which provides that:—

"A foreign government is not subject to tax on income derived from the operation of government-owned vessels through agents in the United States. Neither is a foreign government liable to tax upon income derived from the operation of vessels which are chartered by it.

Section 213 (b) (5) of the Revenue Act of 1918 expressly provides that the income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments, or from any other source within the United States is exempt from taxation."

In submitting the foregoing details regarding the exemption which the latest United States taxation measures grant to foreign government property and government agencies in the United States for His Lordship's consideration, Mr. Davis would be grateful if Lord Curzon would be so good as to cause an investigation to be made into this matter by the competent Departments of His Majesty's Government, in the hope that similar treatment may be accorded by the Government of New Zealand, India and the Straits Settlements to American property and American establishments.

29th December, 1920.

4573

No. 150.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS to THE UNITED STATES AMBASSADOR.

(Received in Colonial Office, 13th January, 1921.)

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and has the honour to acknowledge the receipt of His Excellency's Notes Nos. 714 and 715, of the 29th and 31st ultimo,* respectively, with regard to the assessment of income and excess profit taxes upon earnings derived from the operation of vessels in the ownership of the United States Shipping Board.

The matter is being referred for immediate consideration to the Governments of the Dominions, colonies and dependencies concerned as well as to the proper Departments of His Majesty's Government. Some time must therefore elapse before Lord Curzon can reply to Mr. Davis's Notes. In the meantime, His Lordship would not feel justified in proposing any suspension of the operation of the law in those parts of the British Empire, such as India, where the existing law admits of the assessment of the earnings in question.

In this connexion His Lordship would observe that Mr. Davis's Note No. 715 was in any case received too late to permit of any modification in the action to be taken by the Government of India at the end of last year.

January 11th, 1921.

* No. 149 and 4573: not printed; it referred to action taken by Government of India.

10225

No. 151.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 152, 153, 154, 155, 156, 157, 158, 159, 160, 164, 166.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(New South Wales.
(Victoria.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.

Dominions No. 166.)

(Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 26th April, 1921.

I HAVE the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, copies of Notes* from the United States Ambassador regarding the assessment for Income Tax and Excess Profits Duty of the earnings of vessels owned or controlled by the United States Shipping Board, together with a copy of the reply† returned by the Secretary of State for Foreign Affairs.

2. His Majesty's Government would be glad to receive the views of your Government on the question raised by the Government of the United States and also to be furnished with reports on the operation of existing laws on any cases similar to those referred to in the Convention which have not yet been brought to their notice.

3. In the opinion of His Majesty's Government it is advisable that the Governments of the various parts of the Empire concerned should for the present, in any doubtful cases, refrain from any act tending to prejudice their liberty to impose the same taxation upon the earnings of the United States Shipping Board, as upon those of any other trading corporation within their jurisdiction.

[To Commonwealth of Australia: 4. A similar despatch is being sent to the Governors of the Australian States.]

[To Australian States: 4. A similar despatch is being sent to the Governor-General of the Commonwealth and to the Governors of the other Australian States.]

I have, &c.,

WINSTON S. CHURCHILL.

34619

No. 152.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12th July, 1921.)

(Confidential.)

SIR, Government House, St. John's, 24th June, 1921.

I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 166, Confidential, of the 26th April,‡ as to the question of possible assessment for income tax and excess profits duty of the earnings of vessels owned or controlled by the United States Shipping Board.

2. In explanation of the position in this Colony, my Ministers have sent me copy of a letter from the Assessor of Taxes, which I enclose. As from this letter it would appear that none of the ships of the United States Shipping Board have paid any income tax on their earnings in Newfoundland, and the Assessor, who is a very careful official, seems to think there is no likelihood of any claim. I imagine that no further action is necessary.

I have, &c.,

C. ALEXANDER HARRIS.

* No. 149 and 4573: not printed; see Note to No. 150

† No. 150.

‡ No. 151.

Enclosure in No. 152.

Department of the Assessor,
Income War Tax.

SIR, St. John's, Newfoundland, 20th June, 1921.
YOUR letter of the 7th instant with enclosures from His Excellency the Governor *re* despatch, Confidential, Dominions No. 166 received. In reply I would say that no such cases as described have come within our jurisdiction. Section 3 (5) of the Business Profits Tax Act reads:—

"The businesses to which this Act applies are all trades and business (including the business of transportation) of any description carried on, or partly carried on in Newfoundland, whether continuously or not, except the business of life insurance."

As Section 3 of the Business Profits Tax Act died through efflux of time on 31st December last, and, as I have been informed, will not be renewed, there will be no possibility of our assessing a Business Profits Tax upon the earnings of the United States Shipping Board.

Under our Income Tax Act, non-residents are dealt with as per Section 3 (3):—

"In the case of the income of persons residing or having their head office or principal place of business outside of Newfoundland, but carrying on business in Newfoundland, either directly or through or in the name of any other person, the income shall be the net profit or gain arising from the business of such person in Newfoundland."

None of the ships of the United States Shipping Board have paid any Income Tax on their earnings in this Colony.

I return the correspondence.

I have, &c.,
JOSEPH O'REILLY,
Assessor.

The Honourable
The Colonial Secretary,
City.

41032

No. 153.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th August, 1921.)

(Confidential.)

SIR, Government House, Wellington, 4th July, 1921.
I HAVE the honour to transmit to you the accompanying copy of a memorandum from Sir Francis Bell, expressing the views of my Government on the point raised in your Confidential despatch, Dominions No. 166, of the 26th April,* regarding the assessment of Income Tax on earnings of vessels owned or controlled by the United States Shipping Board.

I have, &c.,
JELLICOE,
Governor-General.

Enclosure in No. 153.

MEMORANDUM FOR THE HONOURABLE THE ACTING PRIME MINISTER, WELLINGTON.

Land and Income Tax Department, Wellington, 23rd June, 1921.

WITH reference to Confidential despatch, Dominions No. 166, of the 26th April, from the Secretary of State for the Colonies to His Excellency the Governor-General, in connexion with the assessment of Income Tax on earnings of United States Shipping Board vessels, I have to advise that under the provisions of the Land and Income Tax Act, 1916, no distinction is made between a Foreign Government (in the term Foreign Government, I include the Government of any British Dominion outside New Zealand), and a private trader not resident in New

* No. 151.

Zealand but trading here, or shipping goods from New Zealand and thereby earning freights. I do not think, seeing that so many Governments are showing a tendency to enter upon trading ventures, that any distinction should be made between them and private traders, as to do so might involve a serious loss of revenue. Apparently by adhering to our present system we shall be meeting the wishes of His Majesty's Government set forth in paragraph 3 of the above-mentioned despatch.

In the case of the "Western Comet" which visited New Zealand, I have to advise that the tax has been collected and is still in the possession of the Treasury. The representatives of the United States Shipping Board in New Zealand have been informed in accordance with the opinion of the Solicitor-General, which opinion was, I understand, given after consultation with you, that the Board was legally liable for the tax, but that as the United States Government is exempt from compulsory judicial process in New Zealand Courts, the tax collected would be refunded if the United States Government refused to recognize the obligation in respect of its trading operations carried on within New Zealand. So far the United States Government has not repudiated the liability, and until I am further instructed, I propose to retain the tax and to continue to assess and collect tax in all similar cases. The tax is collected for this Department by the Customs Department, which refuses clearance to a ship until tax is paid.

F. H. D. BELL,
Minister in Charge of
Land and Income Tax Department.

48646

No. 154.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29th September, 1921.)

(Confidential.)

SIR, Government House, Perth, Western Australia, 23rd August, 1921.
I HAVE the honour to acknowledge the receipt of your Confidential Dominions despatch, No. 166, of the 26th April last,* transmitting copies of notes from the United States Ambassador regarding the assessment for Income Tax and Excess Profits Duty of the earnings of vessels owned or controlled by the United States Shipping Board.

2. Your Confidential despatch under acknowledgment has been submitted to my Ministers, who request me to inform you, in reply, that the laws of this State do not provide for assessing a Government, but only companies, firms or private owners. Consequently, there is no danger of the rights of the British or Colonial Governments being prejudiced in this State.

I have, &c.,
F. A. NEWDEGATE,
Governor.

50174

No. 155.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10th October, 1921.)

(No. 24.)

SIR, Government House, Brisbane, 20th August, 1921.
WITH reference to your Confidential Dominions despatch, No. 166, of the 26th April, 1921,* regarding the assessment for Income Tax and Excess Profits Duty of the earnings of vessels owned or controlled by the United States Shipping Board, I have the honour to state that I am informed by the Premier that no such tax has been levied by the Queensland Government.

2. I have sent a copy of this despatch to His Excellency the Governor-General.
I have, &c.,
MATTHEW NATHAN,
Governor.

* No. 151.

50259

No. 156.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10th October, 1921.)

(Confidential. No. 1.)

SIR, Government House, Adelaide, 29th August, 1921.
 With reference to your despatch Dominions No. 166, Confidential, of the 26th April last,* I have the honour to transmit to you, at the request of my Premier, the attached memorandum by the Commissioner of Taxes of this State.

I have, &c.,

W. E. G. A. WEIGALL.

Governor

(Copy sent to Governor-General.)

Enclosure in No. 156.

REPORT FROM THE COMMISSIONER OF TAXES.

THE HON. THE TREASURER,

It is pointed out that in the case of the ship "Monshulu," owned by the United States Government, the cargo carried was also owned by that Government, *vide* Clause 4 in the objections made to the Victorian Commissioner of Taxes. Under the South Australian Act cargoes similarly carried would not be subject to assessment for State Income Tax. In other words, if the United States Shipping Board confines the operations of its vessels to the carrying of its own goods, no direct income can be derived therefrom upon which tax could be assessed.

If, on the other hand, the vessels are used for carrying cargoes for the trade, upon which freight money is collected, then under the South Australian Act such freight money, of cargoes, passengers, and mails carried out of South Australian ports would be taxable on the basis of 5 per cent. of such earnings.

Whilst recognizing the probable difficulty of collecting the tax from the United States Government direct, as explained by the Crown Solicitor in his minute of the 1st instant, it is my duty to carry out the provisions of the Act and collect any tax payable, if possible.

In paragraph 3 of the despatch from the Secretary of State, dated 26th April, 1921, the suggestion is made that no alteration in the imposition of this taxation should be made at present.

I would emphasize the fact that no attempt is made by this Department to collect any tax in respect to vessels owned by foreign governments, which merely call at South Australian ports to tranship or transport their own goods or cargoes, and which are not competing with the ordinary mercantile marine in earning freight money.

R. W. SMITH,
 Commissioner of Taxes.

12th August, 1921.

51721

No. 157.

UNION OF SOUTH AFRICA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th October, 1921.)

[Answered by No. 161.]

(Confidential.)

SIR, Governor-General's Office, Pretoria, 23rd September, 1921.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 166, Confidential, of the 26th April, 1921,* copy of a Minute from Ministers on the subject of the assessment for income tax and excess profits duty of the earnings of vessels owned or controlled by the United States Shipping Board.

I have, &c.,

J. ROSE INNES,

Deputy for the Governor-General.

* No. 151.

Enclosure in No. 157.

Prime Minister's Office, Pretoria, 20th September, 1921.

(Confidential.)

MINUTE 938.

MINISTERS have the honour to acknowledge the receipt of His Royal Highness the Governor-General's Minute No. 31/264 of the 20th May last regarding the assessment for income tax and excess profits duty of the earnings of vessels owned or controlled by the United States Shipping Board, and to inform His Royal Highness that, on the facts disclosed by the memorandum of His Excellency the United States Ambassador, it is considered that there is a clear liability under the Income Tax laws of the Union of South Africa in respect of the operations of these ships.

The ships are apparently not operated by a Department of State for the direct benefit of the public revenues of the United States. The United States Shipping Board has called into existence an ordinary trading Corporation "for the purchase, construction, equipment, lease, charter, maintenance and operation of merchant vessels in the commerce of the United States." In the capital stock of this Corporation the Shipping Board is to hold a controlling interest, but there is nothing to prevent other persons, corporate or individual, from holding large interests and sharing in the profits made. It is not possible to regard such a corporation as in any way identified with the Government of the United States and entitled to the immunity from taxation by other States which belongs to that Government. It so happens that the Shipping Board holds all the stock and consequently all the profits do go into the United States Treasury, but they go as a distribution of profits to the sole shareholder and not as State revenues.

For these reasons Ministers consider that the Emergency Fleet Corporation is to be regarded in the same light as any other person whose chief office is outside the Union of South Africa carrying on business in the Union as an owner or charterer of ships, and as such is liable through any agent in the Union to taxation under Section 11 of the Income Tax Consolidation Act No. 41, 1917, upon a taxable income equivalent to ten per cent. of all freights payable in respect of passengers, live-stock, mails or goods shipped in the Union, subject to the proviso that the Corporation or its agent may, if it is desired, render returns upon the ordinary basis of profit and loss.

J. C. SMETS.

53833

No. 158.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th October, 1921.)

(Confidential.)

SIR, Governor-General's Office, Melbourne, 16th September, 1921.

REFERRING to your despatch dated 26th April, 1921, Dominions No. 166, Confidential,* relative to the taxation of the earnings of vessels owned or controlled by the United States Shipping Board, I have the honour to inform you that I am advised by my Acting Prime Minister that the view taken by the Commonwealth Government is that no corporation or undertaking owned by a foreign Government is subject to income tax imposed by the Commonwealth.

The Acting Prime Minister also advises that the Commonwealth Commissioner of Taxation is unable to supply details of any cases other than those already brought to the notice of His Majesty's Government.

I have, &c.,

FORSTER,

Governor-General.

* No. 151.

63725

No. 159.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28th December, 1921.)

(No. 41.)

SIR, Government House, Hobart, Tasmania, 12th November, 1921.

WITH reference to your Confidential despatch Dominions No. 166 of the 26th April last,* regarding the assessment for Income Tax and Excess Profits Duty earnings of vessels owned or controlled by the United States Shipping Board, I have now the honour to forward a copy of a letter from the Honourable the Premier together with the opinion† of the Solicitor-General on the subject.

I have, &c.,

W. L. ALLARDYCE,

Governor.

(No copy sent to Governor-General.)

Enclosure in No. 159.

YOUR EXCELLENCY,

27th October, 1921.

REFERRING to the Secretary of State's despatch No. 166, dated 26th April last, regarding the assessment for Income Tax and Excess Profits Duty of the earnings of vessels owned or controlled by the United States Shipping Board, I have the honour to inform you that the Commissioner of Taxes has no knowledge of the United States Shipping Board having transacted shipping business in this State. Up to the present, therefore, the question of liability has not yet arisen.

In regard to paragraph 2, I am enclosing a copy of an opinion that has been furnished by the Solicitor-General in reference to the law as it stands in this State. It will be observed that he advises that, upon consideration of the statutory provisions in force in Tasmania, he is of the opinion that the Union of the United States of America in respect of any shipping business in which it might engage in Tasmania would, as a foreign corporate body, be assessable for income tax thereunder. He further goes on to say, however, that he agrees with the view expressed by Mr. Justice Salmond that under the principles of international law no power exists under which income tax levied on the United States could be recoverable by the exercise of civil process of any description, and in this view I concur.

Your Ministers will give attention to the request contained in paragraph 3 of the despatch referred to above.

I have, &c.,

W. H. LEE,

Premier.

His Excellency

The Governor of Tasmania,
Hobart.

64164

No. 160.

NEW SOUTH WALES.

THE LIEUTENANT-GOVERNOR to THE SECRETARY OF STATE.

(Received 29th December, 1921.)

(Confidential.)

SIR, Government House, Sydney, 4th November, 1921.

WITH reference to your despatch Dominions No. 166 of 26th April, 1921,* or the subject of assessment for income tax and excess profits duty of the earnings of vessels owned or controlled by the United States Shipping Board, I have the honour to state that Ministers advise me that the Crown Solicitor of this State is of opinion that the Board may legally be assessed under the Income Tax Acts of New South Wales in respect of its operations in this State. Ministers add that particular note has been taken of paragraph 3 of your despatch.

I have, &c.,

W. P. CULLEN,

By deputation from His Excellency the Governor.

* No. 151.

† Not printed; see enclosure to No. 159 for substance.

22124

No. 161.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.10 p.m., 23rd May, 1922.)

TELEGRAM.

[Answered by No. 165.]

23RD MAY. Your despatch 23rd September, Confidential.* Should be glad to learn as soon as possible whether your Ministers have any objection to publication of their minute of 20th September† in report of Committee on liability of Dominion and Foreign Governments to United Kingdom taxation.—SECRETARY OF STATE FOR THE COLONIES.

25347

No. 162.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 168, 169, 171 and 172.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

(New South Wales.

(Victoria.

(Queensland.

(South Australia.

(Western Australia.

(Tasmania.

(Confidential.)

Dominions No. 180.)

[MY LORD,] [SIR,]

Downing Street, 7th June, 1922.

[To Union of South Africa: With reference to my telegram of the 23rd of May]‡ I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] to be laid before your Ministers, copies of the final Report§ of the Committee which was appointed in May, 1921, to consider questions arising in connexion with the liability of Dominion and Foreign Governments to United Kingdom taxation.

2. It is proposed to present this Report to Parliament at an early date, so that its proposals may be made available for public discussion. Before, however, taking action on the lines suggested in the Report, His Majesty's Government are naturally anxious to consult the Governments of the oversea Dominions, and they would welcome an expression of your Ministers' views on the proposals made therein.

[To Commonwealth of Australia: 3. A similar despatch is being sent to the Governors of the Australian States.]

[To Australian States: 3. A similar despatch is being sent to the Governor-General of the Commonwealth and to the Governors of the other Australian States.]

I have, &c.,

WINSTON S. CHURCHILL.

28756

No. 163.

THE BRITISH AMBASSADOR, WASHINGTON, to THE SECRETARY OF STATE FOR FOREIGN AFFAIRS.

(Received in Colonial Office, 16th June, 1922.)

(No. 603.)

MY LORD, British Embassy, Washington, 20th May, 1922.

My despatches Nos. 1,220 of 2nd December, 1921, and 183 of 20th February, 1922, dealt with the question of the legal position of the United States Shipping Board Emergency Fleet Corporation, with special reference to the liability of Shipping Board vessels to taxation.

* No. 157. † Enclosure in No. 157. ‡ No. 161. § Not printed here; copy with 25347/22.

2. On the 1st instant decisions were handed down by the Supreme Court of the United States in three suits which had come before that tribunal on appeal from findings in lower Courts and which raised, in each instance, the question of the status of the Fleet Corporation. The decisions of the majority of the Court in the three cases, as well as the dissenting opinion of the minority, have been published in one document,* copies of which are transmitted herewith for Your Lordship's information.

3. The majority held that "the Shipping Act (of September 7th, 1916) contemplated a corporation in which private persons might be stockholders and which was to be formed like any business corporation under the laws of the District (of Columbia) *with capacity to sue and be sued. The United States took all the stock, but that did not affect the legal position of the Company.*" After having referred to the various legal enactments by which the powers and functions of the Corporation were extended, the majority opinion goes on to say that it must not be inferred from the enormous powers ultimately given to the Fleet Corporation that it was so far put in the place of the Sovereign as to share the immunity of the Sovereign from suit. Hence, although the United States cannot be sued for a tort, its immunity does not extend to its agent, the Fleet Corporation, nor does the Fleet Corporation, in the case of the bankruptcy of one of its debtors, occupy any more privileged, or any different, position than that occupied by other private creditors of the bankrupt, in respect to the distribution of the bankrupt's assets.

4. The decision is of some importance from the point of view of firms, American or foreign, having claims for damages against the Emergency Fleet Corporation, but it still remains doubtful whether the Corporation, or the vessels operated by it, can be held liable to American or foreign taxation. Indeed the dissenting opinion, written by Chief Justice Taft and concurred in by two of the Associate Justices, seems, in this connexion, to be at least as important, from a practical standpoint, as the view of the majority. In the course of his analysis of the cases presented to the Court, Mr. Taft states:—

"The Court suggests that judgments obtained (in ordinary civil procedure) will be good only against the Fleet Corporation and the claimants must run the risk of getting a judgment against a debtor which can not pay. Congress has taken over all the assets of the Fleet Corporation so that judgments will be valueless except as Congress shall conclude to pay them . . . The result reached by the Court, if it is to go as far as I fear it must, even with the careful limitation of the language of the judgment, will make the existing confusion as to the claims against the Fleet Corporation worse confounded."

Consequently Chief Justice Taft hopes that Congress will adopt further legislation which will practically nullify the effect of the present judgment and force claimants against the Corporation to bring their cases before the Court of Claims.

5. It has not yet been possible to identify the cases referred to in my despatch No. 183 arising out of efforts of some of the State Governments to collect taxes from the Fleet Corporation, but I shall communicate to Your Lordship immediately any important decisions which may be handed down on this point.

I have, &c.,

A. C. GEDDES.

29358

No. 164.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE

(Received 20th June, 1922.)

(Confidential.)

SIR,

Government House, Ottawa, 9th June, 1922.

WITH reference to your Confidential despatch of the 30th December last,† asking for the views of the Canadian Government regarding the assessment for Income Tax and Excess Profits Duty of the earnings of vessels owned or controlled by the United States Shipping Board, I have the honour to enclose, herewith, a copy of a letter on the subject from the Department of the Secretary of State for External Affairs.

I have, &c.,

BYNG OF VIMY

* Not printed.

† 10225: not printed; it was a reminder of No. 151.

Enclosure in No. 164.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.
(Confidential.)

SIR,

Ottawa, 7th June, 1922.

WITH reference to the Confidential despatch to His Excellency from the Secretary of State for the Colonies, dated 30th December, 1921, asking for the views of the Canadian Government regarding the assessment for Income Tax and Excess Profits Duty of the earnings of vessels owned or controlled by the United States Shipping Board, I have the honour to state that it is represented by the Department of Finance that the existing legislation set forth in the Income War Tax Act, 1917, as amended, provides:—

"There shall be assessed, levied and paid upon the income during the preceding year of every person. . . .

(4) who not being a resident of Canada is carrying on business in Canada." (Section 4.)

The Departmental interpretation placed upon this Section, when considering the liability of foreign steamship corporations to income tax is to the following effect:—

Where the ships of foreign corporations carry passengers and freight to and from Canadian ports, and do no coasting trade in Canada, such corporations are not considered to fall within the above-mentioned provision, and accordingly the profits earned from such business are not subject to income tax in Canada.

In so far as the foreign corporations receive income from the storing of goods on docks owned or leased in Canada or in which rights to storage are held, the storage profit on the goods awaiting export or awaiting dispersion upon import is deemed income earned in Canada and liable to income tax at the usual corporation rates on that portion of the income in excess of \$2,000, together with additional tax if the income is \$5,000 or over.

As to Excess Profits Duties, it may be said that the taxing provision of the Business Profits War Tax Act, 1916, an Act corresponding to the British Excess Profits Duties was repealed as of the 31st December, 1920, with certain qualifications as to the fiscal period that may over-run the said date by some months.

I am to request that His Excellency may be humbly moved to communicate the purport of this statement to Mr. Secretary Churchill.

I have, &c.,

W. H. WALKER,

Assistant Under-Secretary of State
for External Affairs.

29767

No. 165.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.30 p.m., 20th June, 1922.)

TELEGRAM.

20TH JUNE. Your telegram 23rd May,* liability of Foreign Governments to taxation. My Ministers have no objection to publication of their Minute of 20th September.†—ARTHUR FREDERICK.

30160

No. 166.

VICTORIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 23rd June, 1922.)

(No. 15.)

SIR,

State Government House, Melbourne, 17th May, 1922.

WITH reference to your despatch Dominions No. 166 of the 26th April, 1921,† on the subject of the liability of the United States Shipping Board to pay Income Tax in the British Dominions, I have the honour to inform you that no cases have occurred in Victoria for a considerable time, and as a statement appeared in the

* No. 161.

† Enclosure in No. 157.

‡ No. 151.

Argus newspaper of the 26th ultimo to the effect that the United States Shipping Board is going out of business, my Ministers do not consider that any action is necessary on their part in regard to this matter.

I have, &c.,
STRADBROKE.

28756

No. 167.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by No. 170.]

(Canada.
(Commonwealth of Australia.
(New Zealand.
(Union of South Africa.
(Newfoundland.
(New South Wales.
(Victoria.
(Queensland.
(South Australia.
(Western Australia.
(Tasmania.

} Dominions No. 217.)

(Confidential.)

[MY LORD,] [SIR,]

Downing Street, 29th June, 1922.

WITH reference to my Confidential despatch Dominions No. 181 of the 7th of June,* I have the honour to transmit to [Your Excellency,] [Your Royal Highness,] [you,] for the information of your Ministers, a copy of a despatch† from His Majesty's Ambassador at Washington regarding the legal position of the United States Shipping Board Emergency Fleet Corporation.

[To Commonwealth of Australia: 2. A similar despatch is being sent to the Governors of the Australian States.]

[To Australian States: 2. A similar despatch is being sent to the Governor-General of the Commonwealth and to the Governors of the other Australian States.]

I have, &c.,

WINSTON S. CHURCHILL.

76845

No. 168.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th September, 1922.)

(Confidential.)

SIR, Government House, Wellington, 14th August, 1922.

WITH reference to your Confidential despatch, Dominions No. 180, of the 7th June,‡ I have the honour to inform you that my Ministers advise me that the Government of New Zealand approves of the recommendation of the Committee that any Government within the Empire, so far as it engages in trade, shall be treated as liable to the taxation of any other country within the Empire, in which it may either own property in connexion with trade or make trade profits; the liability of the United Kingdom Government or any Dominion Government so far as engaged in trade shall be co-extensive with the liability of a private trading corporation in similar circumstances.

2. My Government also approves of the recommendation that after the principle of mutual taxation has been agreed within the British Empire, negotiations should be opened with the Governments of foreign countries, with a view to reciprocal agreement between those countries and the Empire to the following effect: if or when the Government of a foreign country carries on trade in the United Kingdom or in a Dominion and if or when the Government of a country within the British Empire carries on trade in a foreign country, the trading Government shall not, in

its character as such, be treated as entitled to any sovereign immunity from taxation either directly or through the claim of superiority to the jurisdiction of municipal Courts; nor shall a Government so trading be treated as entitled to any sovereign immunity from taxation in respect of property in the other country concerned which it may own or hold in a trading capacity or in connexion with trade.

I have, &c.,

JELlicoe,
Governor-General.

51209

No. 169.

SOUTH AUSTRALIA.

THE LIEUTENANT-GOVERNOR TO THE SECRETARY OF STATE.

(Received 14th October, 1922.)

(Confidential.)

SIR,

Government House, Adelaide, 4th September, 1922.

IN answer to your despatch Dominions No. 180, Confidential, of the 7th of June last,* I have the honour to inform you that the proposals embodied in the Final Report of the Committee on the question of the liability of Dominion and Foreign Governments to United Kingdom taxation, meet with the approval of my Government.

I have, &c.,

G. J. R. MURRAY,
Lieutenant-Governor.

[Copy sent to Governor-General.]

51210

No. 170.

SOUTH AUSTRALIA.

THE LIEUTENANT-GOVERNOR TO THE SECRETARY OF STATE.

(Received 14th October, 1922.)

(Confidential.)

SIR,

Government House, Adelaide, 7th September, 1922.

WITH reference to your Confidential despatch, Dominions No. 217 of the 29th of June,† regarding the legal position of the United States Shipping Board Emergency Fleet Corporation, I have the honour to inform you that a copy of the enclosure has been laid before my Ministers and filed in the Crown Solicitor's Office for future reference.

I have, &c.,

G. J. R. MURRAY,
Lieutenant-Governor.

58977

No. 171.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29th November, 1922.)

(Confidential.)

MY LORD DUKE,

Governor-General's Office, Pretoria, 8th November, 1922.

WITH reference to your predecessor's despatch Dominions No. 180, Confidential, of the 7th June,* I have the honour to transmit to Your Grace herewith the accompanying copy of a Minute from my Ministers regarding the liability of Dominion and Foreign Governments to United Kingdom taxation.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

* No. 162.

† No. 167.

* 24951: not printed; it enclosed copy of Washington despatch No. 183 referred to in No. 169.

† No. 168.

‡ No. 162.

Enclosure in No. 171.

(Confidential.)

MINUTE No. 882.

Prime Minister's Office, 8th November, 1922.

MINISTERS have the honour to acknowledge His Royal Highness the Governor-General's Minute No. 31/294 (Confidential), dated the 29th June last, transmitting despatch Dominions No. 180 (Confidential), dated the 7th June last, from the Right Honourable the Secretary of State for the Colonies, and annexures, regarding the liability of Dominion and Foreign Governments to United Kingdom taxation, and to state that they would recommend the adoption of the proposals made by the Committee.

Ministers consider that a distinction should be drawn between States as sovereign bodies exercising the functions of government, and between such States as traders, earning profits to meet the cost of government, since if the Crown prerogative is to exempt such activities from taxation within the Empire and international comity is to debar the taxation of like activities on the part of States from without the Empire, not only is an intolerable burden likely to be placed on private traders competing against the trading states, but the field of legitimate taxation must necessarily become restricted.

As regards the Crown prerogative, Ministers have the honour to advise that they propose to place before Parliament at an early date proposals for the restriction of the present general exemption in favour of the Crown afforded by Section 16 (1) (a) of Act 41 of 1917, to revenues derived from the exercise of purely governmental functions and for a definite levy upon trading operations undertaken within the Union by other Governments of the Empire.

Ministers are of opinion that the question of corporate bodies in which a State may hold an interest does not arise in this connexion, since under the present Union Income Tax Law taxation is levied upon companies and other corporate bodies as taxable entities in themselves; and not by way of levying taxation at the source on the income derived therefrom by shareholders. Such a corporate body would be taxed on income derived from Union sources, irrespective of the States or the persons to whom the profits earned might ultimately pass.

J. C. SMUTS.

60811

No. 172.

NEW SOUTH WALES

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8th December, 1922.)

(Confidential.)

MY LORD DUKE.

Government House, Sydney, 2nd November, 1922.

WITH reference to your predecessor's Confidential despatch of the 7th June, Dominions No. 180,* regarding questions arising in connexion with the liability of Dominion and Foreign Governments to United Kingdom taxation, I have the honour to inform Your Grace that my Ministers see no objection to the principles embodied in the Final Report of the Committee appointed to consider this matter, copies of which were transmitted with the above cited despatch.

I have, &c.,

W. E. DAVIDSON,
Governor.

* No. 162.

APPENDIX.

Proposed Duplication of Pacific Cable.

(See pages 150-154 of Dominions No. 73.)

42099

PACIFIC CABLE BOARD TO HIGH COMMISSIONERS FOR CANADA, THE COMMONWEALTH OF AUSTRALIA AND NEW ZEALAND.

The Pacific Cable Board, Queen Anne's Chambers, S.W.1.

SIR,

31st July, 1922.

As you are aware, the Pacific Cable Board have, for several years past, had under consideration the desirability of duplicating their system in the Pacific, and communications have passed between your Government and the Imperial Government on the subject of a scheme which was submitted in a Confidential Memorandum dated 29th April, 1920* (a copy of which I enclose).

The Governments of Canada, Australia and New Zealand have recorded their assent to the general principle of duplication, and the Board have accordingly given further consideration to the measures to be taken.

The result of this consideration is set out in detail in the accompanying memorandum, which I will ask you to be kind enough to forward to your Government.

You will observe that, for substantial reasons, it is considered necessary to suspend action at the present moment as regards the sections of the Board's system north of Fiji, but that the Board are anxious to proceed, without delay, to give effect to that part of the original scheme which provides for the duplication of the sections south of Fiji.

As all the Partner Governments have approved the principle of duplication, and the part of the scheme which the Board desire to proceed with is one which does not give rise to any question as regards route, the Board hope that the formal assent of the Governments, which is necessary under the Pacific Cable Act of 1911, can be obtained without delay.

I am to ask, therefore, if you will be good enough to refer the matter to your Government and at the same time to express the Board's hope that they may find it possible to communicate their assent by cable at a very early date.

I am, &c.,

H. BABINGTON SMITH,
Chairman.

Enclosure.

The Pacific Cable Board,

Queen Anne's Chambers, S.W.1.

MEMORANDUM.

PROPOSALS FOR THE DUPLICATION OF THE PACIFIC CABLE.

A.—Northern Sections.

1. In a Confidential Memorandum, dated 29th April, 1920, a scheme was outlined for the complete duplication of the Pacific Cable. This Memorandum was transmitted by the Imperial Government to the Governments of Canada, Australia and New Zealand, and each of these Governments has signified its approval of the principle of duplicating the cable, and of the utilization of the Reserve and Renewal Fund for that purpose. The assent of the Australian Government was given subject to the matter of route being further considered by the representatives in London.

2. Since the Memorandum was submitted, circumstances have rendered it desirable to postpone a decision as regards alternative communication over the sections of the route north of Fiji.

The primary reason which has made it advisable to defer decision as to the duplication of the links between Vancouver Island and Fanning and between Fanning and Suva is the recent invention of a new type of cable, which is expected to be capable of working at very high speeds. The novel feature of the new cable

* Enclosure in No. 235 in Dominions No. 75.

is continuous loading with a newly discovered alloy. If this type fulfils anticipations, the new cable will have the carrying capacity of at least three cables of the existing type. One of the American Cable Companies has already exhibited confidence in the advantages of the new cable by placing a contract for a considerable length, which will be laid at an early date.

Notwithstanding that the need for additional facilities on the Northern Sections is real and urgent (the normal traffic having now reached the limit of carrying capacity), the Board have decided, after careful consideration, that the laying of long cables of the old type (giving a low carrying capacity and involving heavy cost), could not possibly be justified unless the anticipations as regards the new type are falsified in actual experience and prove that the old type is not obsolete.

3. While the Board are awaiting the result of experience with new types of cable, they propose to examine the prospects of obtaining, by means of wireless installations, reliable alternative communication between Canada and Fanning Island or Fiji. For this purpose temporary experimental receiving stations would be set up in Vancouver Island, Fanning Island and Fiji, to test the conditions affecting radiotelegraphy in that part of the Pacific.

4. As the Board find it necessary to postpone action regarding the Northern sections, they do not express at the present moment any opinion as to the precise scheme which it will be found advisable to adopt. But they think it well to say that there have, in the course of the last two years, been changes in the conditions on which their recommendations of April, 1920, were based, and that it will be necessary to consider the question afresh.

B—Southern Sections.

5.—The considerations which have prompted the Board to defer the duplication of the long sections do not apply to the Southern part of the System. The stretches are not so long, and the existing types of cable work at a speed which permits the carrying of as much traffic as can possibly pass over the Northern sections under the most favourable circumstances. Whatever measures are ultimately decided upon as regards additional facilities North of Fiji, the duplication of the Southern System on the lines proposed would be required, and the Board consider it desirable to proceed with this part of the scheme at once.

6. Apart from the need for the immediate provision of alternative communication on this section, there is a substantial advantage in carrying out the duplication project piecemeal. It is apprehended that the placing of a contract for the manufacture of sufficient cable to provide for duplication of the whole System would cause disturbance of the markets owing to the sudden demand for such a considerable quantity of material (especially gutta percha). This disturbance would result in higher contract prices than if the various sections were given out to contract at intervals.

7. Norfolk Island, where three cables land, may be said to be the hub of the Southern System. Conditions of the ocean bed in the vicinity have proved unfavourable for cables, and interruptions are of disquieting frequency. Fortunately the recent interruptions have all been on the Auckland cable and have only caused minor dislocation of facilities. A break of the Norfolk-Suva cable, which, in view of local conditions, might occur at any moment, would result in the complete suspension of international traffic. It would cause serious inconvenience to the cabling public, and would involve a direct loss to the Board of nearly £10,000 per week, as well as the permanent loss which invariably follows the diversion of traffic to another system.

8. It is proposed to lay two new cables, one from Suva to Auckland and the other from Southport (Queensland) to Sydney. With these cables available the facilities for the distribution of traffic would be so flexible that interruption of any of the three cables at Norfolk Island would no longer cause any suspension of service or even serious dislocation.

9. Apart from the grounds of precaution, the additional cables would enable the distribution of traffic to be greatly improved. At present traffic for Australia is automatically relayed through Norfolk Island to Auckland and re-transmitted thence by the Auckland-Sydney cable. The Norfolk-Southport section is utilized exclusively for Queensland traffic.

With the two new cables available Southport would become a relay station. Australian business would be relayed from Suva through Norfolk Island and Southport to Sydney, and that for New Zealand would be transmitted direct from

Suva on the new cable. This redistribution would leave the Auckland-Sydney cable free for the transmission of local traffic between Australia and New Zealand, and would enable a better service to be given, besides providing for future expansion of this traffic. The Eastern Extension Telegraph Company have two cables between Australia and New Zealand, and the additional facilities would enable the Board to compete more effectively for Australia-New Zealand traffic than at present.

The existing cable between Norfolk Island and Auckland would serve as a stand-by in case of interruption of the Suva-Auckland direct cable or the Auckland-Sydney cable.

10. The cost of manufacture and laying of these two cables and of the necessary alterations in buildings, etc., is estimated at £410,000. The assets of the Board's Reserve and General Renewal Fund, calculated on the present market value of securities, amount, approximately, to one million and three-quarters. After providing for the laying of the two cables referred to, the remaining assets should be sufficient to provide for such further measures of duplication as may be adopted later.

11. The Pacific Cable Act, 1911 (I. and II. Geo. V., ch 36), confers the requisite statutory authority for carrying out the undertaking, provided that the approval of the contributing Governments is given.

The Board are unanimous in their opinion that the laying of the two cables is necessary and ask for the formal assent of the contributing Governments in order that tenders may be invited and a contract placed immediately.

H. BABINGTON SMITH,
Chairman.

26th July, 1922.

CO 856/9/11

551

Dominions
No. 85.

CONFIDENTIAL.

FURTHER CORRESPONDENCE

[1921 (Nos. 88-91), 1922-1924]

RELATING TO THE

TREATMENT OF ASIATICS IN THE DOMINIONS.

(In continuation of Dominions No. 74: continued by Dominions No. 98.)

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I.—DOMINIONS.

General Correspondence relating to entry of Indians.

1922

1 To the Governor-General Canada, Telegram ... February 21	Gives information respecting passports to return to Canada issued by the Indian Government to returning Indian labourers ... 1
2 The Governor-General Canada, 67 ... February 10 (Rec. Feb. 25)	Transmits copy of letter from Department of External Affairs setting forth the facts regarding the judicial decision that Mihan Singh had established a reasonable claim to retention of Canadian domicile owing to his return from India having been delayed by his inability to obtain a passport during the War ... 1
3 The Governor-General Canada, 79 ... February 14 (Rec. Feb. 27)	Forwards, for consideration by the India Office, a memorandum drawn up as a result of a consultation between the Immigration Commissioner at Vancouver and Mr. G. L. Corbett of the Indian Civil Service, embodying suggestions for direct communication between the authorities in Canada and India regarding the admission of British Indians into Canada ... 2
4 To India Office ... March 15	Transmits copy of No. 3 ... 4
5 To the Governor-General Canada, 178 ... April 7	States that the Indian Government is being consulted with regard to suggestions contained in the memorandum in No. 3 ... 5
6 India Office ... July 22	Transmits copies of a letter giving the views of the Indian Government on the memorandum enclosed in No. 3; also copy letter received by the Government of India from the Colonial Secretary, Hongkong, regarding the refusal of Shipping Companies to grant passages to Indians at Hongkong en route for Canada, without the sanction of the Immigration Authorities at Vancouver ... 5
7 To the Governor-General Canada, 392 ... August 11	Transmits copy of No. 6 ... 8
8 The Governor-General Canada, Telegram ... August 23 (Rec. Aug. 23)	Notifies that Immigration Commissioner, Vancouver, has received a telegram from Simla respecting difficulties experienced by Indians destined for Canada at Hongkong. States that the difficulty is due to loss of Canadian domicile, and suggests that Indian Authorities should take cognizance of this and refer individual cases to the Commissioner before claimant leaves India ... 9
9 The Governor-General Canada, 578 ... October 24 (Rec. Nov. 7)	Transmits copy of letter from the External Affairs Department embodying its understanding of the modification desired by the Indian Government in the procedure suggested by the Canadian authorities with regard to direct communication between the Indian Authorities and the Immigration Commissioner at Vancouver, respecting entry of Indians into Canada ... 9

ii

500

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
10 India Office ... June 8	Reports the steps taken by the Indian Government to ensure that in future no passport endorsed for the Dominions other than Newfoundland shall be issued in India to a British Indian unless the applicant is entitled to enter the Dominion concerned, and suggests that similar instructions should be issued to British passport authorities. Hopes that the action taken by the Government of India will facilitate the steps required to give effect to the Resolution of the Conference of 1921 in favour of the grant of citizen rights to Indians already lawfully domiciled in the Dominions ... 10
11 India Office ... June 8	Transmits copy of instructions issued by the Government of India regarding new procedure for regulating entry of Indians into Canada, and suggests that the Canadian Government might again be approached with a view to relieving difficulties experienced by Indians arriving at Hongkong en route for Canada. Refers to the arrangement obtaining in Australia for permitting the provisional entry of any person appearing to be a prohibited immigrant, and suggests that a similar arrangement might be feasible in Canada ... 13
12 India Office ... June 22	Transmits copy of a letter from the Government of India on the question of the entry into Australia of substitutes for Indians engaged in farming or trade, and asks that the views of the Commonwealth Government on the arrangement suggested may be ascertained ... 15
13 India Office ... June 28	Transmits copy of despatch from the Government of India and of a circular letter to local governments in India giving instructions for the adoption of the procedure suggested by the Canadian Authorities. Suggests the exemption of the certified wives and children of Indians lawfully domiciled in Canada from the continuous journey regulation ... 17
14 India Office ... November 23	Transmits copy of a Circular issued by the Government of India to Local Governments and administrations containing supplementary instructions re the grant of passports to bona fide Indian merchants, students and tourists desiring to enter Australia ... 19
1924	
15 To India Office ... May 1	States that action on Nos. 10, 11, 12, 13 and 14 was suspended until after the meeting of the Imperial Conference, and encloses for observations copies of draft despatches to the Dominions on the matters dealt with ... 21
16 India Office ... June 4	Has no observations to offer on the draft despatches enclosed in No. 15, except as regards the opening portion of paragraph 2 of the despatches dealing with No. 10 ... 21
17 To the Governors General and Governor, Canada, Commonwealth of Australia, New Zealand, Union of South Africa Confidential (3), New- foundland Confidential (2) ... June 12	States the instructions issued by the Government of India regarding passports for the Dominions, and that Secretary of State for India has suggested that Dominion Governments should issue similar instructions ... 22
18 To the Governor-General Canada Confidential (4) ... June 12	Transmits copy of enclosure in No. 11 and invites attention to three further points raised by the Government of India ... 23

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
19 To the Governor-General Commonwealth of Australia, Confidential (1) June 12	Communicates points raised by the Government of India in Nos. 10, 12 and 14, and requests views of Commonwealth Government ... 24
20 The Governor-General Canada, Confidential ... July 28 (Rec. Aug. 7)	Transmits copy of letter from the Department of External Affairs setting forth views on points raised in No. 18 ... 25
21 India Office ... September 2	States that the Government of India is being informed of the assurance that there is no question in regard to the exemption of wives and children from the provisions of the Order in Council of 7th January, 1914 ... 26
22 The Governor-General New Zealand, Confidential ... August 12 (Rec. Sept. 16)	States that action as suggested in No. 17 will be taken ... 26
23 The Governor-General Commonwealth of Australia, Confidential ... August 8 (Rec. Sept. 22)	States with reference to No. 17 that similar instructions to those issued by Indian Government will be issued to passport issuing authorities in Australia ... 27
24 The Governor-General Commonwealth of Australia, Confidential (2) August 8 (Rec. Sept. 22)	States that Ministers agree to the ordinary form of Indian passport being used in the case of Indians eligible to enter Australia and to the procedure suggested in the case of persons desiring to enter as substitutes for Indians engaged in farming or trade, and states that the dictation test is not applied to Indians eligible to land in Australia ... 27

II.—CANADA.

(a) Admission of Chinese

1923	
25 Foreign Office... May 10	Transmits copies of notes from the Chinese Chargé d'Affairs protesting against the application of the system of finger prints to Chinese entering Canada and against various points in the Chinese Immigration Bill ... 28
26 To the Governor-General, 227 ... May 15	Transmits copies of enclosures in No. 25 ... 29
27 The Governor-General, 461 ... August 29 (Rec. Sept. 10)	Transmits copy of the Chinese Immigration Act, 1923, limiting the immigration of Chinese into Canada to merchants and university students, and observes that in so far as right of appeal is concerned there is no discrimination against Chinese. States that there is no provision in the Act for the finger-printing of Chinese immigrants ... 29
28 To the Governor-General, 490 ... October 13	Transmits copy of Note addressed to the Chinese Chargé d'Affairs giving substance of No. 27 ... 30

(b) Admission of Japanese.

1923	
29 To the Governor-General, Confidential ... June 6	Enquires as to the nature and progress of the negotiations between the Canadian and Japanese Governments respecting Japanese immigration ... 30
30 The Governor-General, Confidential ... July 27 (Rec. Aug. 7)	Transmits copy of letter from the Department for External Affairs stating as the result of representations the Japanese Government have agreed to further restrict the numbers of Japanese labourers entering Canada and that it is hoped to avoid the enactment of any legislation ... 31

III.—AUSTRALIA.

(a) Correspondence regarding Western Australia Licensing Act Amendment Act, 1922 (No. 2.)

1923	
31 India Office ... June 21	Transmits copy of a telegram from Government of India regarding the Licensing Act Amendments Bill, and suggests that if it is decided to advise His Majesty to assent to the Bill, it might be suggested to Western Australian Government that British subjects of Indian race lawfully domiciled in Western Australia should be exempted from the operation of this measure ... 32
32 Privy Council Office ... July 12	Transmits copies of Order in Council of the 7th July, 1923, declaring His Majesty's assent to the Reserved Bill for an Act to further amend the Licensing Act, 1911 ... 32
33 To the Governor Western Australia, 41 ... July 23	Transmits copies of Order in Council assenting to the Bill; together with the representations of the Government of India contained in No. 31 ... 33

(b) Correspondence regarding Queensland Banana Industry Preservation Act of 1921.

1922	
34 To the Governor Queensland, land, 35 ... March 16	Notifies that the Banana Industry Preservation Act of 1921 will not be disallowed, and states that Indian Government urge that Queensland Government may be asked to exempt from the Act all British Indians lawfully domiciled in Queensland ... 34
35 The Governor Queensland, land, 15 ... June 15 (Rec. July 24)	States that Ministers have accepted the proposal contained in No. 34 ... 34
36 The Governor Queensland, land 18 ... June 30 (Rec. Aug. 5)	Forwards, in continuation of No. 35, an extract from the Government Gazette, of 24th June, containing the alteration in the Regulations to give effect to the exemption of British Indians ... 35

(c) Correspondence regarding position of Indians in New Guinea.

1922	
37 To India Office ... February 9	States that the Australian Immigration Act, 1901-20 has been applied to New Guinea and that the Secretary of State is prepared to send to the Commonwealth Government a copy of the letter of 10th November, from the Indian Government unless it is thought that the terms of that letter are affected by the application ... 35
38 India Office ... March 30	Encloses copy of a despatch to the Government of India on the question of negotiating an arrangement as to the entry of Indians into New Guinea and also into Australia, and suggesting a definite order that no passport should be issued to Indians proceeding to the Dominions who would evidently be excluded under existing Regulations. Suggests the terms of a reply to the Governor-General's despatch No. 219 of 18th June, 1921, in regard to the general exclusion of Indians from a mandate territory ... 35

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
39 To India Office ... June 16	Considers it preferable to postpone a reply to Commonwealth Government as suggested in No. 38 pending the receipt of the further observations of Government of India ... 39
40 India Office ... June 30	Suggests that an interim acknowledgment of the Governor-General's despatch No. 219 of 18th June, 1921, might be sent stating that the Government of India desire to express their thanks to the Commonwealth Government for the interest they are taking in the matter and for the assurance that they will find no difficulty in principle in securing to British Indians the same rights as other British subjects will enjoy 40
41 To the Governor-General, 256 ... July 20	Conveys acknowledgments of the Government of India as suggested in No. 40 ... 40

IV.—NEW ZEALAND.

Correspondence regarding New Zealand Immigration Restriction Amendment Act, 1920.

1922	
42 India Office ... February 22	Transmits copy of a despatch from the Government of India regarding the conditions on which the New Zealand Government would be prepared to grant temporary permits of entry to Indians ... 40
43 To the Governor-General, 58 ... March 20	Transmits copy of enclosure in No. 42 ... 43
44 The Governor-General, 190 ... May 19 (Rec. June 26)	Acknowledges No. 43 and states that Ministers have no objection to the withdrawal of the stipulation regarding the number of permits or passports to be issued by the Indian Government, and that it will be satisfactory if the issue of passports is restricted to persons proceeding to New Zealand for education, business or pleasure ... 43
45 India Office ... October 12	Transmits copy of letter from Government of India enclosing copy of a circular letter to all Local Governments communicating the further concessions by the Government of New Zealand under the Immigration Restriction Amendment Act of 1920 ... 43
46 To the Governor-General, 281 ... November 2	Transmits copy of enclosure in No. 45 ... 45
1923	
47 The Governor-General, 35 ... February 9 (Rec. March 28)	States that the New Zealand Government will give sympathetic consideration to every application to return to New Zealand made by Indians who overstay the period of 4 years provided for in the usual certificate of registration ... 45

V.—UNION OF SOUTH AFRICA.

(a) Correspondence relating to report of Asiatic Inquiry Commission and Class Areas Bill.

1922	
48 India Office ... February 2	Transmits copy of despatch from the Government of India to the Governor-General of the Union of South Africa regarding the report of the Asiatic Inquiry Commission ... 40

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
49 The Governor-General, 24 ... January 25 (Rec. Feb. 14)	Transmits copy of correspondence with the Viceroy as to the desire of the Indian Government to receive copies of any Bill dealing with the recommendations of the Inquiry Commission and that the question should not be taken up in Parliament before the arrival of a despatch addressed to the Governor-General ... 52
50 The Governor-General, Confidential (2) ... February 24 (Rec. March 14)	Intimates his opinion that the representations made in the despatch from the Government of India enclosed in No. 48 will not be sympathetically received by Ministers for the reasons stated, and that public opinion has expressed a decided preference for the Indian policy advocated by the Secretary of State at the recent East African dinner as compared with that favoured by the Secretary of State for India... 53
51 The Governor-General, 186 ... April 25 (Rec. May 16)	Transmits copy of despatch to the Viceroy of India covering copy of Ministers' Minute replying to the despatch from the Government of India enclosed in No. 54 ... 54
52 The Governor-General, Confidential ... May 12 (Rec. May 30)	Reports on a debate in the House of Assembly on a motion urging the Government to adopt a system of compulsory segregation of Asiatics ... 56
53 To India Office ... May 30	Transmits copy of No. 51 ... 57
54 To India Office ... June 9	Transmits copy of No. 52 ... 57
55 India Office ... October 5	Transmits copy of letter from the Government of India forwarding copy of a despatch addressed to the Governor-General of the Union reviewing the present position and asking for an indication of the Union Government's policy with regard to Indian grievances 57
1923	
56 The Governor-General, 671 ... December 22, 1922 (Rec. Jan. 16, 1923)	Transmits copy of despatch from the Indian Government (enclosure in No. 55) and a copy of reply forwarding Ministers' Minute dealing in detail with the recommendations of the Commission and stating the policy of the Union Government in regard to the Indian community ... 59
57 India Office ... May 3	Transmits copy of a telegram from the Viceroy regarding the reported intention of the Union Government to introduce a Bill providing for the residential and trading segregation of Asiatics, and requests information ... 62
58 The Governor-General, Confidential ... April 19 (Rec. May 8)	Reports on a discussion in the House of Assembly on the Asiatic problem and the announcement of a Bill next Session to provide for urban segregation, trade and residential ... 63
59 To India Office ... May 19	Transmits copy of No. 58 together with the Press report of the debate ... 64
60 The Governor-General, Confidential (2) ... May 11 (Rec. May 29)	Reports on a motion agreed to in the Union Senate for the repatriation and segregation of Indians ... 64
61 Foreign Office... September 3	Transmits copy of a memorandum from the Japanese Embassy asking that the Imperial Government should urge the Union Government not to apply proposed Bill for the exclusion of Asiatics to Japanese ... 65
62 To the Governor-General, 240 ... September 24	Transmits copy of enclosure No. 61 ... 65

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
63 India Office October 13	Transmits copies of a despatch from the Government of India forwarding copy of a despatch addressed to the Governor-General of the Union in regard to Ministers' Minute (in No. 56) and the policy of segregation 63
1924	
64 The Acting Governor-General, 19 January 18 (Rec. Feb 4)	Transmits copies of correspondence with the Government of India regarding provisions of the Class Areas Bill 70
65 The Governor-General, Confidential (2) February 15 (Rec. March 4)	Forwards articles from the <i>Sunday Times</i> and <i>Indian Opinion</i> commenting on the Class Areas Bill, and remarks on the unenviable position of the Government in regard to the Indians 72
66 India Office March 10	Transmits an extract from a telegram from the Government of India containing their observations and suggestions on the text of the Class Areas Bill. Concurs generally in their views and suggests that they may be communicated to the Union Government by telegram 73
67 The Governor-General, Confidential (2) February 22 (Rec. March 11)	Forwards Press reports of reply made by the Minister of the Interior to a deputation representative of all the principal Indian Associations who assembled in Cape Town to protest against the Bill 74
68 To the Governor-General, Telegram, Secret March 17	Forwards personal message from the Secretary of State for India to General Smuts in general support of such practicable suggestions as the Government of India are telegraphing regarding the Class Areas Bill 75
69 Indians Overseas Association March 19	Transmits copy of a letter addressed to the Prime Minister forwarding, with observations, a statement issued by Mr. Gandhi regarding the anti-Asiatic movement in South Africa, and especially the Class Areas Bill 76
70 The South African Indian Congress, Telegram March 20 (Rec. March 21)	Protests against the Bill and asks that representations may be made in the interests of the Empire 78
71 The Governor-General, Telegram March 22 (Rec. March 22)	Communicates reply from his Prime Minister to the message from the Secretary of State for India (in No. 68) explaining the attitude of the Union Government with regard to the Bill 79
72 Foreign Office March 24	Transmits copy of a Note from the Japanese Ambassador communicating the Japanese Government's request that Japanese subjects may be explicitly included amongst those to whom the Act will not be applied 79
73 Indians Overseas Association March 24	Communicates extract from an Indian newspaper report of an interview with Mr. C. P. Andrews in which he corroborated the view that the Bill is a breach of the Smuts-Gandhi Settlement of 1914 80
74 To the Governor-General, Telegram March 27	Conveys substance of No. 72 and enquires what reply should be returned to the Japanese Government 81
75 To Indians Overseas Association April 1	Acknowledges Nos. 69 and 73 81
76 To the Governor-General, Telegram April 1	Communicates message for General Smuts from the Secretary of State for India expressing his thanks for the message conveyed in No. 71 82
77 The Governor-General, 137 March 24 (Rec. April 15)	Forwards copies of telegraphic correspondence with the Government of India regarding the provisions of the Bill. The Union Government sees no likelihood of the Bill being withdrawn 82

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
78 The Governor-General, 213 April 29 (Rec. May 20)	Transmits copy of Ministers' Minute stating the circumstances in which it is impossible to undertake that Japanese subjects will be explicitly included amongst those to whom the Bill, when passed, will not be applied 84
79 To the Governor-General, 152 May 22	Transmits copy of a Note from the Afghan Minister asking that the Afghan population in South Africa may be exempted from the operation of the Class Areas Bill, and encloses copies of a memorandum for communication to the Union Government, and of a petition submitted by the Transvaal Afghan Association to the Union Prime Minister 85
80 To Foreign Office June 6	Transmits copy of No. 78 and observes that in view of the dissolution of the Union Parliament it is not possible to say whether, and if so, in what form, the Bill referred to will ultimately be enacted 87
81 Foreign Office June 14	In view of political events in South Africa prefers to leave the Japanese Ambassador's inquiry unanswered for the present, but requests that Japanese representations be kept before the notice of the new Government and to be informed as to what reply they consider suitable 88
82 To the Governor-General, 216 July 8	Communicates the purport of No. 81 for the information of Ministers 88
83 The Governor-General, 309 June 20 (Rec. July 14)	Transmits, with reference to No. 79, copy of Ministers' Minute stating that, in view of the dissolution of the House of Assembly, the Class Areas Bill was not proceeded with 88
84 The Governor-General, 413 August 15 (Rec. Sept. 1)	Transmits extract from the Press containing a statement by the Prime Minister that the Government do not intend to proceed with the Bill 89
85 The Governor-General, 437 August 28 (Rec. Sept. 16)	Transmits copy of Ministers' Minute stating, with reference to No. 81, that they have decided not to proceed with the Bill as introduced, and that the matter of legislation affecting Asiatics will be considered after the present Session 89
86 To the Governor-General, 290 September 17	Transmits copy of a Note sent to the Japanese Ambassador stating, in reply to his Note (in No. 72) that the Union Government does not intend to proceed with the Bill 90
87 To the Governor-General, 299 September 27	Transmits copy of a Note addressed to the Japanese Ambassador referring to the Note in No. 86, and adding the information given by the Union Ministers in No. 85 90

(b) Correspondence regarding certain Natal Provincial Ordinances.

1921	
88 The Deputy Governor-General, Confidential August 10 (Rec. Aug. 30)	Transmits copy of Ministers' Minute submitting the Natal Rural Dealers' Licensing Ordinance, No. 9 of 1921, and recommending that the Governor-General should withhold his assent to the Ordinance. Encloses also a copy of the opinion of one of the Union Law Advisers on the Ordinance 91
89 India Office September 7	Transmits copy of telegraphic correspondence with the Government of India on the subject of the Natal Township Franchise Ordinance which has been disallowed by the Governor-General 93

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1921	
90 The Governor-General, Telegram (Extract) ... November 7 (Rec. Nov. 7)	States that the object of the Natal Rural Dealers' Licensing Ordinance is stated to have been the vesting of licensing authority in District Boards instead of a Single Officer; and summarizes the views of the representatives of the Natal Indian Congress submitted to the Select Committee ... 94
91 To India Office ... November 15	Transmits copy of No. 90 and of the Law Adviser's Report enclosed in No. 88 ... 95
1922	
92 India Office ... April 1	Transmits copy of a letter from the Indian Overseas Association enclosing copy of a telegram from the Natal Indian Congress protesting against the re-introduction of the Natal Township Franchise Ordinance and the Natal Rural Dealers' Licensing Ordinance. Suggests that the Union Government be asked by telegraph to send home, and to the Government of India direct, copies of the Bills ... 95
93 To India Office ... April 8	Transmits copy of No. 94 ... 96
94 To the Governor-General, 122 ... April 8	Asks that Ministers may be informed of the telegram from the Natal Indian Congress, and of the request of the Secretary of State for India, contained in No. 92 ... 96
95 The Governor-General, Confidential ... March 28 (Rec. April 18)	Reports the publication of a new draft Natal Rural Dealers' Ordinance and submits observations on its terms ... 96
96 The Governor-General, Confidential ... March 29 (Rec. April 18)	Transmits with observations draft of new Natal Township Franchise Ordinance ... 97
97 To India Office ... May 9	Transmits, with observations, draft copies of the new Ordinances referred to in Nos. 95 and 96 ... 97
98 India Office ... May 18	Remarks upon the two draft Ordinances enclosed in No. 97; and asks that information may be obtained on certain points and that the Union Government may be urged not to come to a final decision in regard to either Ordinance until they have received the views of the Government of India ... 98
99 To India Office ... May 31	States reasons why the Secretary of State feels it is not desirable for him to communicate with the Governor-General in the sense suggested in No. 98 ... 99
100 India Office ... June 20	Transmits copy of a telegram from the Viceroy of India repeating the representations made direct to the Union Government regarding the new draft. States that a telegram has been received from the Government of India referring to a private draft Ordinance being prepared by the Durban Town Council, which differentiates between Europeans, Asiatics, and natives, and suggests that a telegram of inquiry should be addressed to the Governor-General ... 100
101 India Office ... June 24	Transmits copy of a telegram from the Viceroy quoting a telegram received from the Imperial Indian Citizenship Association protesting against Natal Rural Dealers' Licensing and Township Franchise Ordinances ... 101
102 To India Office ... June 29	Suggests direct communication between the Indian and Union Governments respecting the private draft Ordinance referred to in No. 100 ... 102

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
103 India Office ... July 6	Transmits copies of telegrams received from Viceroy, containing the observations of the Government of India made direct to the Union Government in regard to the three Ordinances referred to in No. 100 ... 102
104 The Governor-General, Telegram ... July 28 (Rec. July 28)	Reports reservation of the Ordinances referred to in Nos. 95 and 96, and assent to the Durban Land Alienation Ordinance ... 104
105 The Governor-General, 438 ... July 31 (R-c, Aug. 22)	Transmits copy of correspondence with the Viceroy regarding the three Ordinances, together with copies of the Ordinances ... 104
106 India Office ... October 7	Transmits copy of a letter from Mr. H. S. L. Polak regarding the provision in Section 147 of the South Africa Act, that the control and administration of matters specially or differentially affecting Asiatics shall vest in the Governor-General in Council. States India Office view in the matter, inquires whether it is correct and if so whether there is any objection to Mr. Polak being informed accordingly ... 109
107 To India Office ... October 23	States that the Secretary of State is not in a position to offer an opinion on the question in No. 106, and suggests that it would be undesirable to discuss the subject with Mr. Polak ... 110
108 India Office ... November 27	Transmits copy of telegram and letter from the Government of India regarding the competence of the Provincial Councils to make Ordinances differentially affecting Asiatics in view of Section 147 of the South Africa Act, 1909, and asks for views of His Majesty's Government, or that a case may be submitted to the Law Officers of the Crown ... 110
109 To India Office ... December 28	Encloses with reference to No. 108 copy report of the case of Rex v. Amod in the Appellate Division of the Supreme Court of South Africa ... 113
1923	
110 India Office ... January 17	States that the report in No. 109 is being transmitted to the Government of India ... 114
111 The Governor-General, 168 ... April 20 (Rec. May 7)	Transmits copies of Borough and Township Lands Ordinance, Rural Dealers' Licensing Ordinance, and Township Franchise Ordinance (Natal); also copy of despatch, sending copies of the Ordinances to the Viceroy of India and copy of a telegram from India regarding the Rural Dealers' and Franchise Ordinances ... 114
112 The Governor-General, 248 ... May 18 (Rec. June 4)	Transmits copy of despatch to Viceroy of India replying to Viceroy's telegram in No. 111, and forwarding copy of a report by the Officer appointed to inquire into conditions in townships in Natal ... 115
113 India Office ... June 6	Transmits copy of a despatch from the Government of India enclosing a copy of a telegram sent to the Governor-General of the Union conveying views on the four Ordinances recently introduced in the Natal Provincial Council ... 116
114 India Office ... July 2	Transmits despatch from Government of India enclosing copies of telegrams from the Governor-General of the Union regarding the four Natal Ordinances ... 118
1924	
115 India Office ... January 15	Enquires whether a copy of the draft Ordinance promoted by Mr. Hulett to amend the Local Township Law, and of a petition from the Indian Congress, have been received in the Colonial Office, and, if so, whether they may be communicated to the India Office ... 119

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
116 India Office ... January 17	Transmits for observations copies of telegrams from the Viceroy of India in regard to Mr. Hulett's Bill, and suggesting that representations should be made to the Governor-General of the Union to maintain the attitude adopted in the past of disapproval of the principle of the Bill ... 119
117 To India Office ... January 22	States that the Bill and Petition referred to in No. 115 have not been received in the Colonial Office, and that for the reasons given in No. 99 it would not be desirable for the Secretary of State to communicate with the Union Government in the sense apparently contemplated by the Indian Government in No. 115 120
118 India Office ... February 8	Transmits copy of a telegram sent to the Government of India authorizing them to address inquiry to the Union Government direct as to their attitude to Mr. Hulett's Bill, pending action in Courts, to test decisions on existing law ... 121
119 The Governor-General, Confidential ... February 13 (Rec. March 4)	States that the Ordinance has been reserved for further consideration for the reasons stated ... 121
120 The Governor-General, 318 ... June 25 (Rec. July 14)	Transmits copy of a telegram from the Natal Indian Congress, Durban, protesting against the Durban Corporation Extended Powers Ordinance, 1924, together with copy of Ministers' reply, and states that, in view of Ministers' remarks and to the fact that there appears to be no substantial grounds for the objections of the Indians, he has assented to the Ordinance ... 122
121 India Office ... August 26	Transmits copies of a telegram from the Government of India stating objections to the Natal draft Municipal Ordinance, 1924-5; also copy of reply sent to the Viceroy authorizing him to address Union Government direct ... 123
122 India Office ... September 2	Transmits copy of a telegram from the Government of India conveying purport of the telegram sent to the Governor-General of the Union with reference No. 121 124
123 The Governor-General, Confidential ... August 27 (Rec. Sept. 16)	Transmits copies of "The Boroughs Ordinance, 1924" (Natal), which, on Ministers' advice in deference to the protests of the Indian community, he has reserved for further consideration; also transmits copy of letter from the Natal Indian Congress stating the objections of the community to the provisions of the Ordinance 125
124 The Governor-General, Confidential ... September 8 (Rec. Sept. 30)	Transmits copy of telegram from the Government of India asking what action Ministers propose to take regarding the Natal Boroughs Ordinance, together with copy of the reply stating the position ... 128
125 The Governor-General, Telegram, Confidential December 14 (Rec. Dec. 15)	States that assent has been given to the Natal Borough Ordinance and communicates telegram sent to the Government of India giving the Government's reason for recommending assent ... 129

(c) Correspondence regarding Admission of Wives and Children of Indians.

1922	
126 To the Governor-General, 13 ... January 10	Transmits, for consideration of Ministers, copy of telegram from the Government of India regarding the procedure for regulating the admission into the Union of the wives and minor children of Indians already domiciled there ... 130

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1922	
127 The Governor-General, 59 ... February 23 (Rec. March 14)	Transmits, with reference to No. 120, copy of Ministers' Minute agreeing to accept the required Certificates signed by Principal Magistrates, and notifying the policy of the Union Government with regard to the admission of plural wives ... 130
128 The Governor-General, 393 ... July 19 (Rec. Aug. 8)	Transmits copy of a Ministers' Minute and of a despatch to the Viceroy of India, requesting the cancellation of the Resolution of 12th January, 1917, prescribing the procedure for the entry into the Union of wives and minor children of Indians, and the adoption of the procedure laid down in the Resolution of 1914 ... 131
129 India Office ... November 1	Transmits copy of letter from the Government of India, forwarding copy of Resolution No. 504-Emi., of 28th September, 1922, issued in accordance with the request contained in No. 128 ... 132

(d) Correspondence regarding the grant of Empire-wide endorsements on passports of Indians.

1923	
130 The Governor-General Confidential ... October 10 (Rec. Oct. 30)	Transmits copy of Ministers' Minute stating that Empire-wide endorsements are placed on passports of all British subjects, except those specified and explains the reason for withholding the endorsement in the case of Indians, aboriginal natives, and coloured persons domiciled in the Union ... 135
1924	
131 To the Governor-General Confidential ... July 15	Transmits copy of letter from Government of India urging that Union Government should adopt the practice followed in India of granting Empire-wide endorsement to certain classes of Indians qualified to enter the Dominions ... 136
132 The Governor-General Confidential ... November 26 (Rec. Dec. 16)	Transmits copy of Ministers' Minute stating that Union Government cannot agree to the entry of Indians into the Union on Empire-wide endorsements unless permission to enter is obtained beforehand, but are prepared to grant these endorsements to Indians domiciled in the Union, provided there is a reasonable prospect of the individual being admitted to all parts of the Empire covered by the endorsement, and as Ministers understand all coloured persons must obtain a special permit to land in New Zealand, it would appear to be necessary to exclude New Zealand from the scope of the endorsement ... 137

(e) Miscellaneous.

1923	
133 India Office ... March 2	Transmits copy of telegram from Government of India, forwarding a request that certain Indian traders at Springs Bazaar to whom the renewal of their licences have been refused, might be allowed to trade pending an agreement for the removal of their stands to a suitable site, and asks that inquiry may be made as to the facts ... 138
134 To the Governor-General, 70 ... March 17	Transmits copy of enclosure in No. 133. States that Secretary of State for India desires to be informed of the facts of the case ... 138

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1923	
135 The Governor-General, 84 March 2 (Rec. March 19)	Encloses copies of the majority judgment delivered by Sir W. Solomon in the Appellate Division of the Supreme Court in the case <i>Mahomed Pasha v. The King</i> , in regard to a Notice issued under Section 4 (1) (a) of the Immigration Act of 1913, the effect of which was that Asiatics became prohibited immigrants 139
136 The Governor-General, 907 May 3 (Rec. May 22)	In reply to No. 134, transmits Ministers' Minute, saying that the information given is correct and that the Springs Municipality is considering the question of allocating a suitable site 139
1924	
137 To the Acting Governor- General, 10 January 10	Enquires, with reference to No. 136, whether any further information is now available 140
138 The Governor-General, 84 March 5 (Rec. March 24)	Transmits copy of Minute from Ministers, stating that they are informed that the site of the Springs new Asiatic Bazaar will shortly be approved and regulations promulgated, and that in the meantime licences are being granted in anticipation of the adjustment of outstanding questions 140

VI.—SOUTHERN RHODESIA.

Correspondence regarding Entry of Asiatics.

1924	
139 The Governor, Confidential April 23 (Rec. May 21)	States that the question of imposing restrictions upon the immigration of Indians into Southern Rhodesia has been considered by Ministers and that it has been decided to recommend that all Asiatics should be declared to be undesirable inhabitants on economic grounds 141
140 To the Governor, Telegram, Secret June 6	In connexion with No. 139, communicates certain observations on the subject of Japanese immigration into the Dominions made by the Japanese Minister for Foreign Affairs in a conversation with His Majesty's Ambassador at Tokio, regarding the United States legislation for the exclusion of Japanese ... 144
141 To India Office June 19	Transmits extract from No. 139, and a copy of the memorandum referred to, and states that the Governor's attention is being drawn to the Resolution of the War Conference of 1918, regarding the admission of Indians to other parts of the Empire for pleasure, or commerce, or education; also encloses copy despatch to the Governor relative to the issue of passports to Indians wishing to proceed to the Dominions 145
142 To the Governor, Secret... .. June 19	Amplifies No. 140 in regard to Asiatics; replies to his reference to the policy of the Union Government as regards Indians and sends copy of Resolution of the Imperial War Conference, 1918, relating to the admission of Indians desiring to visit other parts of the Empire 145
143 India Office August 7	Conveys the observations of the Government of India on the proposal in No. 141, and suggests that the representations made should be communicated to the Government of Southern Rhodesia 146
144 To the Governor, Telegram, Secret August 14	Communicates substance of No. 143 147
145 To India Office August 15	States that observations of the Government of India set out in No. 143 are being communicated to the Governor 147

Serial No., From or to whom, Despatch No., &c., and Date.	Subject and Page No.
1924	
146 The Governor, Secret October 18 (Rec. Nov. 11)	Transmits copy of Ministers' Minute stating their decision not to proceed for the present with the exclusion of Asiatics by way of general regulation, under Section 2 (1) of Ordinance No. 7 of 1914, but to attain their object by the judicious application to individual persons of the powers conferred under Sections 2 (1) and 2 (2) of the Ordinance 147
147 To India Office November 19	Conveys substance of No. 146 148

FURTHER CORRESPONDENCE

[1921 (Nos. 88-91), 1922-1924]

RELATING TO THE

TREATMENT OF ASIATICS IN
THE DOMINIONS.

I.—DOMINIONS.

General correspondence relating to entry of Indians.

7866

No. 1.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.30 p.m., 21st February, 1922.)

TELEGRAM.

21ST FEBRUARY. Your despatch 21st November, No. 684.* Government of India state no application received from Indian labourers for passports to return to Canada since Armistice, except by Government of Bengal, who have issued passports since May, 1919, but have no record of previous applications; and by Government of Punjab, who issued passports throughout War to all Indian labourers holding documentary permits to re-enter Canada. Passports are issued at headquarters various Provinces.—SECRETARY OF STATE FOR THE COLONIES.

8903

No. 2.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 25th February, 1922.)

(No. 67.)

SIR, Government House, Ottawa, 10th February, 1922.

WITH reference to your despatch No. 696, of the 7th December last† asking, at the instance of the India Office, for authentic information regarding a recent judicial decision in British Columbia with regard to the entry of one Mihan Singh, I have the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs setting forth the facts.

It was upon the last paragraph of this letter that my telegram of the 8th February‡ was based.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 2.

DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 7th February, 1922.

WITH reference to the despatch to His Excellency from the Secretary of State for the Colonies, dated 7th December, 1921, asking, at the instance of the India Office, for authentic information regarding a recent judicial decision in British Columbia with regard to the entry of one Mihan Singh, I have the honour to state that it is reported by the Department of Immigration and Colonization that this man arrived at Vancouver on the 7th July last claiming the right to enter Canada

* No. 21 in Dominions No. 74.

† No. 22 in Dominions No. 74.

‡ 6337: not printed, as it is summarized in this.

on the ground of previous residence in Canada, which residence was stated to have covered the period between May, 1907, and August, 1914. The Board of Inquiry at Vancouver, which conducted the examination under the Immigration Act, decided that Mihan Singh had not retained any claim to Canadian domicile. From this decision counsel for Mihan Singh immediately appealed and applied for a writ of habeas corpus. The case came before Mr. Justice Murphy, who decided that inquiry should be addressed to the Punjab Government at Simla, India, to ascertain whether delay in the return to Canada of the above-named was caused, as alleged by him, by the difficulty or impossibility of securing a passport.

The inquiry was sent by cable from Vancouver, on the 23rd August, in the following words:—

"Acting for Government in habeas corpus. Judge anxious know if passport refused Indian labourers returning Canada during War. If so, advise earliest date such passports became obtainable. Reply prepaid."

and the reply dated the 21st September was as follows:—

"Your telegram 24th August. Passports were refused during War to all Indian labourers who had no documentary proof of permission to re-enter Canada. Passports became available June, 1921, at labourers' own risk and expense."

It was understood that the date, June, 1921, as mentioned in the reply just quoted, was intended for June, 1920, as the passport of Mihan Singh was issued at Lahore on the 23rd October, 1920.

Mr. Justice Murphy, on considering the reply from the Government of Punjab, decided that Mihan Singh had established a reasonable claim to retention of Canadian domicile and, therefore, granted the application.

I am to request that His Excellency may be humbly moved to communicate this information to the Secretary of State for the Colonies, and I am, at the same time, to suggest that a request be made, by telegraph, for an early telegraphic reply to His Excellency's despatch No. 684, of the 21st November, 1921, in regard to the issue by the Indian Government of passports to labourers desiring to return to Canada.

I have, &c.,
W. H. WALKER,
Assistant Under-Secretary of State
for External Affairs.

9216

No. 3.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th February, 1922.)

[Answered by Nos. 5 and 7.]

(No. 79.)

SIR,
Government House, Ottawa, 14th February, 1922.
With reference to the Duke of Devonshire's despatch No. 47, of the 26th January, 1920, and Lord Milner's despatch of the 21st August, 1920, No. 519,* on the subject of direct communication between the authorities in Canada and India regarding the immigration of East Indians, I have the honour to inform you that recently the Commissioner of Immigration at Vancouver, Mr. A. L. Jolliffe, had a consultation on the subject with Mr. G. L. Corbett of the Indian Civil Service, who spent a short time in that City en route to India from the Washington Disarmament Conference. As a result of their conference a memorandum was drawn up, a copy of which is enclosed, making suggestions as to the communication under reference.

My Government will be grateful if this memorandum may be forwarded, with the necessary explanation, to the Secretary of State for India for consideration and, if it be approved and communicated to the Government of India, that they may be informed so that the plan proposed may be at once put into operation.

I have, &c.,

BYNG OF VIMY.

* Nos. 4 and 14 in Dominions No. 74.

Enclosure in No. 3.

Two things are necessary for the smooth working of the Canadian Immigration Regulations for the admission of British Indian subjects, in accordance with the undertakings contained in the so-called Reciprocity Resolution, No. XXI, of the Imperial Conference of 1918.

(1) The passport authority in India should issue passports for Canada only to persons regarded as being able to comply with the Canadian Immigration Regulations as applied to (a) immigrants, or (b) non-immigrants. The passports should be looked upon as a certificate dealing with (a) relationship to head of family; (b) character; (c) purpose in migrating to Canada. If the issue of passport is confined to such persons the document will be of great value to the Canadian Government in carrying out its obligations under paragraph (2) of the Reciprocity Resolution.

(2) Direct communication should be established between the Immigration Commissioner at Vancouver and the appropriate authority in India. The proposal in the Government of India's despatch, No. 29 [124], dated 10th June, 1920, that such authority should be Political Officers (not below the rank of a Political Agent) and District Officers (not below the rank of a Collector or Deputy Commissioner), is not altogether satisfactory. It is not always easy for the Immigration Commissioner, Vancouver, to ascertain precisely the Political or District Officer with whom he should communicate; moreover, such officers frequently change, and sometimes lack the experience necessary for dealing direct with an officer of another Government. There is likely to be lack of continuity and uniformity, and there may even be such misunderstandings as arose in 1913 from a letter addressed by the Deputy Commissioner, Ferozepur, to the Immigration Commissioner, Vancouver. Or, again, there may be inexplicable delay, as in the recent case of Indar Singh and Beant Singh.

The authority in India with which the Immigration Commissioner, Vancouver, would naturally communicate would be the authority which issues passports, that is, the local Government in British India, and in Indian States the Chief Political Officer. This is the procedure which has been adopted in the case of Australia; and, if the Canadian Government is agreeable, it should now be extended to Canada.

The Authorities in India with which the Immigration Commissioner, Vancouver, would communicate would then be:—

(1) *British India:*

The Chief Secretary to the Government of Bengal.
The Chief Secretary to the Government of Madras.
The Chief Secretary to the Government of Bombay.
The Chief Secretary to the Government of United Provinces.
The Chief Secretary to the Government of Bihar and Orissa.
The Chief Secretary to the Government of Punjab.
The Chief Secretary to the Government of Central Provinces.
The Chief Secretary to the Government of Assam.
The Chief Secretary to the Government of Burma.
The Secretary to the Chief Commissioner of the North-West Frontier Province.

(2) *Indian States:*

The Agent to the Governor-General, Baluchistan.
The Agent to the Governor-General, Central India.
The Agent to the Governor-General, Rajputana.
The Resident, Baroda.
The Resident, Hyderabad.
The Resident, Kashmir.
The Resident, Mysore.
The British Envoy at the Court of Nepal, Kathmandu, Nepal. In the case of States falling within the political jurisdiction of local Governments, the local Government concerned.

(3) In any case of doubt, the Political Secretary, Government of India.

Four classes of entrants have to be considered, viz.:—

- (i) Non-immigrants.
- (ii) Wives and families of Indians domiciled in Canada.

(iii) Indians with a Canadian domicile who are returning to Canada after a temporary absence.

(iv) Wives and families accompanying class (iii).

The procedure in each case should be as follows:—

(i) Non-immigrants are defined in Section 2 (g) of the Canadian Immigration Act. It is understood that the category "commercial traveller" in Section 2 (g) (VI) covers persons entering the country "for the purpose of commerce" within the meaning of paragraph (2) of the Reciprocity Resolution.

In accordance with paragraph (2) (b) of the Reciprocity Resolution the procedure for non-immigrants should be:—

The intention of visit or temporary residence should in each individual case be embodied in a passport or written permit issued by India, and subject to visa in India by an Officer appointed by, and acting on behalf of, Canada, if Canada so desires.

The practice in Canada is that non-immigrants must satisfy the Immigration Commissioner, Vancouver, by oral or documentary evidence that they are *bona fide* non-immigrants within the meaning of the Immigration Act.

Provided that the Government of India undertake to issue passports only to persons who are, in their opinion, *bona fide* non-immigrants within the meaning of the Immigration Act, the Canadian Government will doubtless accept such passport as reliable documentary and corroborative evidence of status of a non-immigrant.

(ii) *Wives and families of Indians domiciled in Canada.*—An Indian domiciled in Canada should apply to the Immigration Commissioner, Vancouver, for permission to bring in his wife or family. The Immigration Commissioner will forward the application, together with a certificate of domicile and a statement of the conditions on which admission will be permitted, to the local Government or Political Officer concerned in India. The local Government or Political Officer concerned, after making such inquiries as may be necessary, will issue a passport to the wife or family of the applicant, and will inform the Immigration Commissioner, Vancouver, that this has been done. Such passport will be regarded as the certificate of relationship required by paragraph (3) (b) of the Reciprocity Resolution.

(iii) *Indians with a Canadian Domicile, who are returning to Canada after a Temporary Absence.*—Indians leaving Canada may retain their Canadian domicile by "registering out" up to a period of eighteen months.

Passports should only be issued in India to such Indians on production of their registration certificate.

If the period stated in the registration certificate has expired, or in any other case of doubt, the passport authority in India should communicate with the Immigration Commissioner, Vancouver, giving reasons, furnished by the East Indian, for overstay of period. The comments of the passport authority as to the validity of these reasons would be extremely useful.

The certificate to rebut the presumption of loss of domicile, which, under the proviso to S. 2 (d) (iii) can be issued by "any British diplomatic or consular officer," should also be accepted when issued by a passport authority in India.

(iv) *Wives and Families accompanying class (iii).*—Indians of class (iii) who wish to take their wives and families back with them to Canada, should apply either to the passport authority in India, who will forward the application to the Immigration Commissioner, Vancouver, or to the Immigration Commissioner, Vancouver, direct. In either case the procedure thereafter will be the same as for class (ii).

Families should be held to mean and include children under eighteen years of age.

9216

No. 4.

COLONIAL OFFICE to INDIA OFFICE.

Sir,

Downing Street, 15th March, 1922.

With reference to your letter of the 11th August, 1920,* and connected correspondence, I am directed by Mr. Secretary Churchill to transmit to you, for the consideration of the Secretary of State for India, a copy of a despatch† from the Governor-General of Canada enclosing a copy of a memorandum on the subject of

* No. 12 in Dominions No. 74. † No. 3.

direct communication between the authorities in Canada and India regarding the immigration of East Indians.

I am, &c.,
C. T. DAVIS.

15277

No. 5.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 178.)

My Lord,

Downing Street, 7th April, 1922.

With reference to Your Excellency's despatch No. 79, of the 14th of February,* I have the honour to request you to inform your Ministers that a copy of the memorandum on the subject of direct communication between the authorities in Canada and India regarding the entry of Indians into Canada has been communicated to the Secretary of State for India, who is consulting the Government of India on the matter. A further reply will be sent to you on receipt of their views.

2. The Secretary of State for India observes that on page 2 of the memorandum "The Agent to the Governor-General, Punjab States," should be added to the list of authorities in Indian States.

I have, &c.,
WINSTON S. CHURCHILL.

85756

No. 6.

INDIA OFFICE to COLONIAL OFFICE.

(Received 24th July, 1922.)

Sir,

India Office, Whitehall, London, S.W., 22nd July, 1922.

With reference to correspondence ending with your memorandum of the 7th April, 1922,† I am directed to transmit copies of a letter dated 25th May, 1922, giving the views of the Government of India on the memorandum‡ drawn up by Messrs. Corbett and Jolliffe on the subject of direct communication between the authorities in India and the Immigration Commissioner at Vancouver regarding the entry of Indians into Canada.

2. Viscount Peel has addressed the Government of India by despatch, dated 30th March, 1922, regarding the first suggestion made in the memorandum, viz.: the proposal that the issue in India of passports for Canada should be confined to persons regarded as being able to comply with the Canadian Immigration Regulations. On receipt of the Government of India's reply a further communication will be made to you.

3. With regard to the second suggestion relating to the procedure for regulating entry, the Government of India have no objection to the adoption of the arrangement proposed in regard to non-immigrants and Indians with a Canadian domicile returning to Canada after a temporary absence in India (Nos. 1 and 3 of the classes of entrants), and are prepared to embody in the passport the intention of the visit or the temporary residence, or to note on the passport that it was issued on production of a Canadian registration certificate, as the case may be. The Government of India also agree that, if the Dominion Government so desire, the Immigration Commissioner at Vancouver may communicate direct with the passport-issuing authorities in India named in the memorandum.

4. While the Government of India do not advocate a change in the system, which was introduced only in May, 1921, of granting certificates of relationship to wives and families of Indians domiciled in Canada, and to wives and families of Indians returning to Canada after a visit to India (Nos. 2 and 4 of the classes of entrants), they are prepared, in deference to the wishes of the Canadian Government, to adopt the procedure suggested in the memorandum in the case of persons falling under these categories also. The Government of India consider, however,

* No. 3.

† 15277; not printed; forwarded copy of No. 5.

‡ Enclosure in No. 3.

that this procedure may cause delay and inconvenience to the Indians, and suggest the following modification for the consideration of the Canadian Government:—

"Instead of the application and the papers issued by the Immigration Department in Canada being sent to the Local Government or other passport-issuing authority in India, the domiciled Indians, whether residing at the time in Canada or in India, will forward them to the principal local magistrate concerned in India. The magistrate will make the necessary inquiries and submit the case with the papers received by him, the certificate prescribed by the Government of India and the application for a passport to the Local Government. If the Local Government issues a passport it will inform the Immigration Department, Vancouver, and will state in the space for "observations" in the passport the relationship which the holder bears to the Indian resident in Canada quoting also the number and date of the letter received from the Immigration Department. Direct correspondence may be held between the Canadian Immigration Commissioner and the Local Governments and Political Officers in India in regard to these passports."

Viscount Peel would be glad if the views of the Canadian Government could be obtained on this modified procedure.

5. I am to request that the following additions and alterations may be made to the list of authorities in India (page 3 of the Memorandum) with whom the Immigration Commissioner, Vancouver, would correspond:—

(i) *British India*. The words "Secretary to the" should be omitted in the case of the North West Frontier Province, and the Chief Commissioners of Delhi, Coorg and Ajmer-Merwara respectively should be added to the list.

(ii) *Indian States*. The Resident in Gwalior should be added to the list as well as the Agent to the Governor-General, Punjab States.

(iii) The Foreign Secretary to the Government of India, not the Political Secretary, should be addressed in doubtful cases.

6. I am also to forward copy of a letter received by the Government of India from the Colonial Secretary, Hongkong, and to request that if Mr. Secretary Churchill sees no objection, the Canadian Government may be requested to communicate to the Shipping Companies concerned the arrangements arrived at, and to inform them that there is no objection to the grant of passages from Hongkong to Canada to Indians whose passports show:—

(a) that they are non-immigrants under Sec. 2 (g) of the Canadian Immigration Act, or

(b) that they have a Canadian domicile, or

(c) that they are the certified wives or families of such persons.

Viscount Peel would be glad to be informed whether the Canadian Government consider it practicable to issue instructions on these lines, and, if so, to receive copies of any instructions that may be issued for communication to the authorities in India. A telegram (copy enclosed) has meanwhile been addressed to the Government of India suggesting that they should correspond direct with the Commissioner of Immigration at Vancouver on the subject.

I am, &c.,
L. J. KERSHAW.

Enclosure 1 in No. 6.

(Confidential.)
(No. 142.)

GOVERNMENT OF INDIA—DEPARTMENT OF REVENUE AND AGRICULTURE.
(Emigration.)

Simla, the 25th May, 1922.

Subject:—Entry of Indians into Canada. Direct communication between the authorities in Canada and India regarding the immigration of Indians.

Sir,

I AM directed to acknowledge the receipt of Sir Louis Kershaw's letter dated March, 1922, forwarding a copy of a memorandum drawn up in consultation between Mr. G. L. Corbett, I.C.S., and Mr. A. L. Joliffe, Commissioner of Immigration at Vancouver, making certain suggestions with a view to facilitating the smooth working of the Canadian immigration regulations in the interests of British Indian subjects.

2. As regards the first suggestion contained in the memorandum, viz., that regarding passports, I am to say that the matter is receiving the consideration of the Government of India in connexion with the despatch from His Majesty's Secretary of State, No. 10 Overseas, dated the 30th March, 1922. A despatch will be sent as soon as the Government of India have come to a decision on the subject.

3. With reference to the second suggestion, which relates to the procedure for regulating the entry into Canada of Indians, I am to say that the Government of India have no objection to the adoption of the arrangement proposed in regard to non-immigrants and Indians with a Canadian domicile who are returning to Canada after a temporary absence in India (Nos. 1 and 3 in the memorandum). They are prepared to embody in the passport the intention of the visit or the temporary residence in each case, or to note on the passport that it was issued on production of a Canadian registration certificate. They also agree that, if the Dominion Government so desire, the Immigration Commissioner at Vancouver may communicate with the passport-issuing authorities named in the memorandum. They do not advocate a change in the system already prescribed of granting certificates of relationship to wives and families of Indians domiciled in Canada, and to wives and families of Indians returning to Canada after a visit to India (Nos. 2 and 4 of the memorandum). The system was introduced only in May, 1921, and no complaints against it have been received. The two cases which have been instanced in the memorandum as causing inconvenience occurred before the present arrangement was introduced.

4. In deference to the wishes of the Canadian Government, however, the Government of India are prepared to adopt the procedure suggested by Messrs. Corbett and Joliffe in the cases of persons falling under categories 2 and 4 of their memorandum also. I am to point out, however, that the suggested procedure may cause delay and inconvenience to the Indians, and I am to suggest for the consideration of the Dominion Government the following modification:—

Instead of the application and the papers issued by the Immigration Department in Canada being sent to the local Government or other passport-issuing authority in India, the domiciled Indians, whether residing at the time in Canada or in this country, will forward them to the principal local magistrate concerned in India. The magistrate will make the necessary inquiries and submit the case with the papers received by him, the certificate prescribed by the Government of India and the application for a passport to the local Government, who, if it issues a passport, will inform the Immigration Department, Vancouver. The local Government will state in the space for "observations" in the passport the relationship which the holder bears to the Indian resident in Canada, and also quote the number and date of the letter received from the Immigration Department. Direct correspondence may be held between the Canadian Immigration Commissioner and local Governments or Political Officers in India in regard to these passports.

5. I am to request that the views of the Canadian Government may be obtained on the modified procedure suggested above.

6. With reference to the last paragraph of Sir Louis Kershaw's letter, I am to say that the following additions and alterations should be made to the list of authorities, with whom the Immigration Commissioner, Vancouver, would communicate, contained in the memorandum. To the list of officers in British India should be added the Chief Commissioners of Delhi, Coorg, and Ajmer-Merwara, and the words "Secretary to the" should be omitted in the case of the North West Frontier Province.

The Resident in Gwalior, as well as the Agent to the Governor-General in the Punjab, should be added to the list of Political Officers.

As regards item (iii) of the list, the Foreign, not the Political, Secretary should be addressed.

7. I am to attach a copy of letter dated 16th February, 1922,* received from the Colonial Secretary, Hongkong, and to request that, if there is no objection, the Dominion Government may be asked to communicate to the shipping companies concerned the arrangements arrived at, and to inform them that there is no objection to granting passages from Hongkong to Canada to Indians whose passports show:—

(a) that they are non-immigrants under section 2 (g) of the Canadian Immigration Act, or

(b) that they have a Canadian domicile, or

(c) that they are the certified wives or families of such persons.

We should be glad to know whether the Dominion Government consider it practicable to issue instructions on these lines, and, if so, to receive for information a copy of any instructions that may be issued.

I have, &c.,
Secretary.

To the Under Secretary of State for India,
Industries and Overseas Department,
India Office, London.

Enclosure 2 in No. 6.

LETTER FROM THE COLONIAL SECRETARY, HONGKONG, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, INDIA, DATED 16TH FEBRUARY, 1922.

I AM directed to inform you that many Indians are arriving from India in the Colony with passports visaed for Canada.

The Shipping Companies will not grant them passages to Canada without the sanction of the Canadian Immigration Authorities at Vancouver, and they are therefore unable to leave this Colony for, sometimes, many months.

This Government, too, is put to considerable trouble and expense in telegraphing and writing to Canada for permission for them to proceed, which in many cases is refused. They thereby become an unnecessary and useless addition to this community as they do not obtain employment, and some become destitute in the Colony and have to be repatriated at Government expense.

It would be most desirable if the Government of India would refrain from granting any visa for Canada unless accompanied by a valid and definite permit from the Immigration Department, Vancouver, for their admission.

Some of these Indians carry papers which were given them when leaving Canada, but no permits to return are recognized by the Shipping Companies in this Colony unless they clearly state that the man will be admitted on his arrival, are signed by the Immigration Authority, and cover the current passage.

Such permits should be obtained before the men leave India, and the Immigration Authorities should be asked to notify the Shipping Company's Office in this Colony through whom the bearer intends to obtain passage, that permission to enter has been given.

Enclosure 3 in No. 6.

THE SECRETARY OF STATE FOR INDIA TO THE VICEROY.

(Dated 19th July, 1922.)

TELEGRAM.

No. 2781. Your Secretary's letter 15th June last. 166 Indians at Hongkong en route for Canada. I suggest that you should telegraph direct to Vancouver regarding such cases if you have not already done so.

35756

No. 7.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 9.]

(No. 392.)

MY LORD,

Downing Street, 11th August, 1922.

With reference to Your Excellency's despatch No. 79 of the 14th of February,* I have the honour to transmit to you, for the consideration of your Ministers, a copy of a letter† from the India Office on the subject of direct communication between the authorities in India and the Immigration Commissioner at Vancouver regarding the entry of Indians into Canada.

I have, &c.,

WINSTON S. CHURCHILL.

* No. 3. † No. 6.

42142

No. 8.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.20 p.m., 23rd August, 1922.)

TELEGRAM.

23RD AUGUST. My despatch 14th February, No. 79.* Immigration of East Indians. On 26th July telegram received by Immigration Commissioner, Vancouver, from Simla, signed Indian Revenue, respecting difficulties experienced by Indians destined for Canada at Hongkong. Immigration Department desires that Government of India may be assured that Department is adhering to provisions of Order in Council, No. 641, 26th March, 1919, and that *bona fide* non-immigrants, together with wives and minor children of Indians domiciled in Canada, will receive every consideration. Difficulty being experienced by Indians at Hongkong due to loss of Canadian domicile, and it is suggested that Indian authorities take cognizance of loss of domicile and have individual cases referred to Commissioner of Immigration at Vancouver before claimant leaves India, as otherwise it is impossible to avoid annoying delays at Hongkong. My Ministers request that substance of foregoing may be telegraphed to Government of India.—BYNG.

55202

No. 9.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7th November, 1922.)

(No. 576.)

SIR, Government House, Ottawa, 24th October, 1922.

With reference to your despatch, No. 392 of the 11th August,† on the subject of direct communication between the Indian authorities and the Immigration Commissioner at Vancouver, regarding the entry of Indians into Canada, I have the honour to transmit herewith, a copy of a letter from the Department of the Secretary of State for External Affairs, setting forth the views of my responsible advisers.

I have, &c.,

BYNG OF VIMY.

Enclosure in No. 9.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 23rd October, 1922.

With reference to the despatch to His Excellency from the Secretary of State for the Colonies, dated the 11th August, 1922, No. 392, on the subject of direct communication between the Indian authorities and the Immigration Commissioner at Vancouver, regarding the entry of Indians into Canada, I have the honour to state that the Department of Immigration and Colonization having had the matter under consideration, embodies its understanding of the modification in the procedure suggested by the Canadian authorities desired by the Indian Government as follows:—

(a) That when the domiciled Indian is in Canada he should secure from the Immigration Commissioner at Vancouver the necessary papers, and forward them himself direct to the local magistrate concerned in India, who after making the necessary inquiries will submit the case with recommendation for or against issue of passport to the family. If passport issued, the issuing officer would inform the Commissioner of Immigration at Vancouver, and the passport would contain a reference to the papers issued to the domiciled Indian by the Commissioner of Immigration at Vancouver.

* No. 3. † No. 7.

(b) That when the domiciled Indian is returning to Canada after a temporary absence and is accompanied by his family, he would submit his application to the local magistrate concerned in India, and (the correspondence is not entirely clear on this point) it is presumed the report would go from the magistrate to the Passport Office, and the passport would issue without the delay of a reference to the Commissioner of Immigration at Vancouver.

The Department is of opinion that the new proposal with regard to (a) would not materially relieve delays or facilitate decision, while it is exposed to the objection of opening the way for fraud. If the Department issues papers at Vancouver, and delivers them to the applicant they may be used by himself or some other person for a purpose other than that intended or additions or erasures may be made. It is, therefore, thought preferable that the Commissioner of Immigration at Vancouver should forward the papers himself direct to an officer of the Government of India.

With regard to the proposal as it would affect class (b) as above, it is quite apparent how the application of the East Indian domiciled in Canada, but temporarily absent would be greatly facilitated if no reference were made to the Commissioner at Vancouver prior to the issue of the passport to the domiciled Indian's wife and family; but on the other hand, there would be no chance of an inquiry being made at Vancouver prior to the arrival of the Indian with his wife and family. It is quite true that the Government of India could arrive at some estimate from the "registering out" certificate of the applicant and could investigate as to the relationship, health and general fitness of the wife and children. It would appear that if care is taken in India in handling this particular class of application there is no serious objection and a trial of the arrangement might be made.

I am to request that His Excellency may be humbly moved to communicate the views of the Department of Immigration as set forth above to the Secretary of State for the Colonies.

I have, &c.,

W. H. WALKER,

Assistant Under-Secretary of State
for External Affairs.

29826

No. 10.

INDIA OFFICE to COLONIAL OFFICE.

(Received 9th June, 1923.)

[Answered by No. 15.]

(Confidential.)

India Office, Whitehall, London, S.W.1,

SIR,

8th June, 1923.

With reference to the letter from this Department dated 30th March, 1922,* and connected correspondence, I am directed to state, for the information of the Duke of Devonshire, that Viscount Peel has now received the views of the Government of India on the suggestions made in paragraphs 4 to 6 of his despatch No. 10, Overseas, dated the 30th March, 1922, copy of which was enclosed with the letter quoted above, regarding the question of the negotiation of an arrangement under Section 4a of the Commonwealth of Australia Immigration Act, 1901-20, in regard to the entry of Indians into the Commonwealth, and the issue of passports generally to Indians proceeding to the Dominions. Copy of the despatch which has been received from the Government of India is enclosed for the Duke of Devonshire's confidential information.

2. With regard to the general question of the issue of passports, the Government of India agrees that in future no passport endorsed for the Dominions other than Newfoundland shall be issued in India to a British Indian unless the issuing authority is satisfied that the applicant is entitled to enter the Dominion to which he desires to proceed. In doubtful cases the passport-issuing authority in India will refer to the immigration authority in the Dominion concerned before agreeing

* No. 38.

to grant an endorsement for that country. Copy of a Circular on the subject, dated 15th March, 1923, issued to Local Governments and Administrations in modification of the instructions contained in the Government of India's Circular letter No. 232 R.A., dated 25th November, 1921, is enclosed. Viscount Peel now proposes to arrange for the issue of instructions in a similar sense to British passport authorities overseas, and he would accordingly suggest that, if there is no objection, steps might be taken to issue instructions in regard to the grant of passports to Indians by British passport authorities in the Dominions, Crown Colonies and Protectorates and mandate territories, in the sense of those contained in the Government of India's Circular letter of the 15th March, 1923.

3. The Government of India understands from Mr. Sastri that the difficulties which Indians encounter in Australia are sometimes due to difficulties experienced by the passport-issuing authorities in India in complying with the Australian regulations which require the use of a special form stating the object of the visit and its probable duration. The Government of India points out that it is inconvenient, from the administrative point of view, to have different kinds of passports for different countries, and would prefer, if the Commonwealth Government sees no objection, to use the ordinary form of Indian passport. It will be seen that the Government of India has issued instructions to passport-issuing authorities to state in the space for "observations" in the passport the object and probable duration of a visit.

4. The Secretary of State for the Colonies will observe that under the revised procedure adopted by the Government of India endorsements for Australia will be granted in India so far as possible only to persons to whose entry the Commonwealth Government has no objection; in other words, the Government of India assumes the obligation to withhold passports valid for Australia from Indians other than those who can establish to the satisfaction of the passport-issuing authorities that they are entitled to enter the country under the terms of the Immigration Reciprocity Resolution of the Imperial War Conference, 1918. In these circumstances Viscount Peel would suggest, for the consideration of the Duke of Devonshire, that the Commonwealth Government might now be approached with a view to the negotiation between that Government and the Government of India of an arrangement to be notified under Section 4a of the Commonwealth Immigration Act, 1901-20, exempting Indian passport holders from the dictation test prescribed under the Act.

5. Viscount Peel would also suggest that the attention of the Governments of the Dominions might be invited to the action taken by the Government of India in issuing instructions calculated to ensure that no Indians will receive passports for the Dominions unless eligible for entry in one or other of the capacities prescribed in the Immigration Reciprocity Resolution. These instructions will not be revised without previous intimation. The Government of India has explained that it regards the Immigration Reciprocity Resolution and the Resolution of the Conference of 1921 as interdependent parts of a connected endeavour to promote harmonious relations between the Dominions and India. By accepting the former Resolution India acknowledged the right of the Dominions to restrict immigration from India, and the Government of India has now taken action designed to facilitate the task of the Dominions' immigration authorities, by confining the issue of passports to cases which appear to be covered by the Resolution, as an earnest of its desire to co-operate in carrying out the objects of that Resolution. Those Dominions which accepted the Resolution of 1921 signified their concurrence in the principle that, while the immigration policy of the Dominions remains unquestioned, citizen rights should be accorded to domiciled Indians, and the Government of India hopes that the evidence now afforded of its whole-hearted acceptance of the Dominions' immigration policy may facilitate progress with the practical steps still required to give effect also to the Resolution of 1921 in favour of the grant of citizen rights to Indians already lawfully domiciled in the Dominions. Lord Peel would suggest, for the Duke of Devonshire's consideration, that the Governments of the Dominions might be addressed in the above sense, copy of the Government of India's Circular letter, No. 261 (Emigration), dated 15th March, 1923, being communicated to them for their information. He suggests that the Government of India's despatch of 8th March, 1923, should not be communicated to the Dominion Governments, since after telegraphic consultation which has taken place with the Government of India it is not thought desirable to suggest that they should be addressed in the language of the second paragraph of that despatch.

I have, &c.,

J. C. WALTON.

Enclosure 1 in No. 10.
GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(Emigration.)

No. 4 of 1923.

To
The Right Honourable Viscount Peel,
His Majesty's Secretary of State for India.

Delhi,

the 8th March, 1923.

MY LORD,

WITH reference to paragraph 8 of our despatch No. 1 (Emigration), dated the 18th January, 1923, we have now the honour to reply to the suggestions made in paragraphs 4 to 6 of Your Lordship's despatch No. 10, Overseas, dated the 30th March, 1922, and referred to again in paragraph 3 of Your Lordship's despatch No. 33, Overseas, dated 14th December, 1922, relating to the negotiation of an agreement in regard to the entry of Indians into Australia and the issue of passports to Indians generally proceeding to the Dominions.

2. As regards the question of passports in general, we accept the proposal made by Your Lordship that no passport endorsed for the Dominions other than Newfoundland should be issued unless the issuing authority is satisfied that the applicant is entitled to enter the Dominion to which he desires to proceed. This undertaking will not, however, extend to mandated territories. In doubtful cases, the passport-issuing authority in India will refer to the immigration authority in the Dominion concerned, before agreeing to grant an endorsement for that country. The instructions contained in our Revenue Secretary's Circular letter No. 232 R.A., dated the 26th November, 1921, will be revised accordingly. This action involves a material concession on our part, since the immigration laws of the Dominions do not differentiate against Indians as such. We are asked to assume that all Indians, who do not fall within the exempted categories, are in fact excluded by the existing laws, a position which no Dominion except the Union of South Africa has yet explicitly asserted and which we are naturally reluctant to accept. In making this concession we desire it to be understood, and we would request Your Lordship to make it clear to the Colonial Office, that these orders are issued on the understanding that the Dominions in their turn will give effect to the principle accepted in the Resolution of the Imperial Conference, 1921, and confer rights of citizenship on all domiciled Indians within a reasonable time, and that the continuance of this arrangement will depend upon the action of the Dominions concerned.

3. We would further request that, since under the revised procedure endorsements will be granted only to persons to whose entry the Commonwealth Government have no objection, that Government may, as suggested by Your Lordship, be approached with a view to the issue of a notification under section 4A of the Immigration Restriction Act, 1901-1920, exempting Indian passport-holders from the dictation test prescribed under the Act.

4. We have been informed by Mr. Sastri that the difficulties which Indians encounter in Australia are not so much due to the necessity of inquiry by the local immigration authorities and delays in the issue of certificates of exemption as to the failure of the passport-issuing authorities in this country to comply with the Australian regulations, which require the object of the visit and its probable duration to be clearly stated on the passport, and to use the special form prescribed by the Government of India in 1904. As it is inconvenient from the administrative point of view to have different kinds of passports for different countries, we would prefer, if the Australian Government have no objection, to use the ordinary form of passport for all countries. We enclose three copies of this form.* In order to remove the difficulty referred to, we shall instruct the passport-issuing officers to state in the space for "observations" in the passport the object and probable duration of a visit.

We have, &c.,
READING,
RAWLINSON,
MUHAMMAD SHAFI,
W. M. HAILEY,
B. N. SARMA,
C. A. INNES,
BASIL P. BLACKETT,
A. C. CHATTERJEE.

Circular No. 261-Emi.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(Emigration.)

From J. Hullah, Esq., I.C.S.,
Secretary to the Government of India.

To all Local Governments and Administrations.

Delhi, the 15th March, 1923.

Subject:—Issue of passports to Indians proceeding to the Dominions.

SIR,

In modification of the instructions contained in my Circular letter No. 232-R.A., dated the 26th November, 1921, I am directed to say that the Government of India have now decided that no passport endorsed for the Dominions other than Newfoundland should be issued unless the passport-issuing authority in India is satisfied that the applicant is entitled to enter the Dominion to which he desires to proceed. This rule does not apply to passports endorsed for mandated territories administered by a Dominion Government. In doubtful cases, the passport-issuing authority should refer to the immigration authority in the Dominion concerned, before agreeing to grant an endorsement for that country.

2. I am also to ask that instructions may be issued to the passport-issuing officers that in the case of passports endorsed for the Dominions (1) the object and (2) the probable duration of a visit should be stated in the space for "observations" in the form of passport.

3. I am to request that the foregoing instructions may be strictly observed in future.

I have, &c.,
J. HULLAH,
Secretary.

28958

No. 11.

INDIA OFFICE to COLONIAL OFFICE.

(Received 11th June, 1923.)

[Answered by No. 15.]

SIR,

India Office, Whitehall, London, S.W.1, 8th June, 1923.

WITH reference to your letter of the 8th February, 1923,* I am directed by the Secretary of State for India to forward, for the information of the Secretary of State for the Colonies, copy of instructions issued by the Government of India to Local Governments and Administrations regarding the new procedure for regulating the entry of Indians into Canada. It will be observed that the revised procedure as set out in paragraph 2 of the Government of India's Circular letter embodies the modifications which have been suggested on either side up to and including the date of the despatch from the Governor-General of Canada No. 576 of 24th October, 1922.†

2. In connexion with these arrangements, I am to invite a reference to the letter from this Department dated 8th June, 1923,‡ regarding the measures now adopted by the Government of India in regard to the issue of passports generally to Indians proceeding to the Dominions. The Secretary of State for the Colonies will observe that these instructions are designed to ensure that in future passports for Canada will be issued in India only to persons who have a claim to enter Canada. I am accordingly to suggest that, if the Secretary of State for the Colonies sees no objection, the Canadian Government might again be approached in regard to the question of issuing instructions on the lines suggested in paragraph 6 of the letter from this Department dated the 22nd July, 1922,§ with a view to relieving the difficulties experienced by Indians arriving at Hongkong *en route* for Canada.

* 6017: not printed; enclosed reminder from Canadian Government.

† No. 9.

‡ No. 10.

§ No. 6.

3. I am to add that reference has been made by the Government of India to the arrangement obtaining in Australia under which any person appearing to be a prohibited immigrant is permitted to enter the Commonwealth provisionally under Section 6 of the Immigration Act, 1901-1920, subject to his making a deposit and obtaining a certificate of exemption within one month; the Government of India suggest that an arrangement on these lines might possibly be found feasible under Sections 4 and 33 (13) of the Canadian Immigration Act. Viscount Peel would be glad, should there be no objection, if the views of the Canadian Government on this point and on the suggestion made in the preceding paragraph of this letter could be ascertained.

I have, &c.,

J. C. WALTON.

Enclosure in No. 11.

COPY OF A CIRCULAR LETTER NO. 104-EMI, DATED DELHI, THE 8TH FEBRUARY, 1923, FROM J. HULLAH, ESQ., I.C.S., SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF REVENUE AND AGRICULTURE, TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Subject:—Procedure for facilitating the admission into Canada of British Indian subjects in accordance with the Reciprocity Resolution of the Imperial War Conference, 1918.

I AM directed to invite a reference to the letter from the Department of Commerce, No. 835-S, dated the 30th May, 1921, on the subject noted above, and to say that the Government of India have at the request of the Canadian Government made certain modifications in the procedure prescribed therein for the issue of endorsements for Canada on the passports of persons desirous of entering that country.

2. The revised procedure is as follows:—

(A) The passport-issuing authority in India will not issue endorsement for Canada on passports of applicants desiring to proceed to Canada except (a) to persons who are, in the opinion of the Indian authority, *bona fide* non-immigrants within the meaning of the Canadian Immigration Act, or (b) to persons who are shown to have Canadian domicile, or (c) to the wives and families of persons in class (b).

(B) Passports so endorsed for persons in class (a) will embody the intention of the visit or temporary residence.

(C) Production of a registration certificate by an Indian from Canada visiting India will be evidence of Canadian domicile up to a period of 18 months from the date of the certificate; after this period has expired or in any other case of doubt an inquiry should be addressed to the Commissioner of Immigration at Vancouver. If the result of such inquiry is satisfactory a certificate to rebut the presumption of loss of domicile could, if thought necessary, be issued by the Indian passport authority. The passport endorsed for Canada for an Indian with Canadian domicile will contain a reference to the registration certificate or the communication from the Commissioner of Immigration, as the case may be.

(D) Endorsements for Canada will be granted on the passports of the wives and families of Indians who are in Canada by the Local Government (or Political Officer) in India, when the latter receives direct through the Commissioner of Immigration at Vancouver the Indian's application together with a certificate of his domicile and a statement of the conditions on which admission will be allowed, and when the identity of the wife and family and their ability to satisfy the conditions of admission have been established by inquiries in India. A passport so endorsed would be regarded as a certificate of relationship, and will state in the space provided for "observations" the relationship which the holder bears to the Indian resident Immigration. The latter will be informed direct of the issue of the passport by the passport-issuing officer.

The inquiries necessary in India will be made by the principal* local magistrate either personally or through an officer not below the rank of a third class magistrate. The report of the principal local magistrate will be in the form attached to the letter referred to in paragraph 1.

(E) An Indian coming on a visit to India will, in order to obtain an endorsement for Canada on a passport for his wife and family, himself obtain from the Commissioner of Immigration at Vancouver the papers specified in the last preceding paragraph, and will produce them to the principal local magistrate, who will make the necessary inquiries either personally or through an officer not below the rank of a third class magistrate, and submit the application for the endorsement to the Local Government together with a report in the form appended to the letter referred to in paragraph 1. Any passport so endorsed will state the relationship of the holder and contain a reference to the papers issued to the domiciled Indian in Canada. The Commissioner of Immigration at Vancouver will be informed direct of the issue of a passport by the passport-issuing officer.

3. I am to request that the foregoing directions may be strictly observed in future.

31254

No. 12.

INDIA OFFICE to COLONIAL OFFICE.

(Received 23rd June, 1923.)

[Answered by No. 15.]

Sm,

India Office, Whitehall, London, S.W.1, 22nd June, 1923.

With reference to the letter from this Department dated the 8th June, 1923,† on the subject of the entry of Indians into Australia and the issue of passports generally to Indians proceeding to the Dominions, I am directed by the Secretary of State for India to transmit, for the information of the Secretary of State for the Colonies, copy of a letter received from the Government of India on the question of the entry into Australia of substitutes for Indians engaged in farming or trade.

2. The Government of India point out that the orders recently issued to passport-issuing authorities in India in regard to the issue of passports to Indians travelling to the Dominions may cause inconvenience to persons desirous of entering Australia as substitutes for Indians engaged in farming or trade. It is understood from paragraph 13 on pages 5-6 of Mr. Sastri's Report regarding his Deputation to the Dominions that it is the practice of the Commonwealth authorities to permit the entry of such substitutes on certain conditions. To meet the difficulty regarding the issue of passports the Government of India suggest that the special procedure, set out in paragraph 3 of their letter, might be adopted.

3. Viscount Peel would be glad, should the Duke of Devonshire see no objection, if the views of the Commonwealth Government on the arrangement suggested by the Government of India could be ascertained.

I have, &c.,

L. J. KERSHAW.

* The Chief Presidency Magistrate in a town, the Political Officer in an Indian State or the District Magistrate elsewhere. † No. 10.

Enclosure in No. 12.
GOVERNMENT OF INDIA.
DEPARTMENT OF EDUCATION, HEALTH AND LANDS.
(Emigration.)

(No. 109.)

From R. B. Ewbank, Esq., I.C.S.,
Deputy Secretary to the Government of India,
To His Majesty's Under-Secretary of State for India,
Industries and Overseas Department, India Office, London.

Simla,
19th April, 1923.

Subject:—Entry into Australia and Canada of substitutes for Indians engaged in farming or trade.

SIR,

I AM directed to address you on the subject of the entry into Australia and Canada of substitutes for Indians engaged in farming, trade, or as hawkers.

2. In paragraph 13 of his Report on his deputation to the Dominions, copies of which have been forwarded to you with this Department's letter No. 58 dated the 1st March, 1923, the Right Honourable V. S. Srinivasa Sastri has referred to the difficulty experienced by Indians who go to Australia in order to look after the business of a relation or friend who is permanently settled there and wishes to return to India for a time. It is reported that, although the general practice of the Commonwealth Government in admitting substitutes is to confine the privilege to persons who go out to act for men engaged in promoting wholesale trade between Australia and the Eastern countries, Indian substitutes are also allowed to land when they come to take the place of farmers, retail shop-keepers or in some cases even hawkers, after the execution of bonds of the value of £100 by both the substitutes and the domiciled Indians. It is added in the Report that the attitude of the Commonwealth authorities seemed reasonable, and that the only action necessary would appear to be a closer scrutiny of passports by the Local Governments in India to persons proceeding to Australia to make sure that only *bona fide* substitutes get permits.

3. The Government of India greatly appreciate the consideration shown to Indians by the Commonwealth Government in this matter and they will take the action suggested by Mr. Sastri. As they reported in their despatch No. 4 of 8th March, 1923, they have issued orders that no passport should be endorsed for Australia unless the issuing authority in this country is satisfied that the applicant is entitled to enter the Dominion. These orders may cause inconvenience to persons desiring to enter Australia as substitutes, unless some definite procedure is laid down to meet the special circumstances of their case. The following arrangement is suggested as suitable:—

An Indian trader, farmer, or hawker resident in Australia, who wishes that a substitute should be temporarily admitted to carry on his work, should, in the first instance, apply to the immigration authorities of the Commonwealth Government. The immigration officer would communicate their orders to the applicant and forward a copy to the passport-issuing authority in India (i.e. Local Governments or Political Officers, as the case may be) within whose jurisdiction the proposed substitute resides. The applicant could then communicate with the substitute, and, when the latter applies for a passport, the local authority would take action in accordance with the decision of the Commonwealth Government, of which they would already be in possession. If a passport endorsed for Australia is issued to a substitute, the capacity in which he is proceeding to the Dominion, [Commonwealth] the period of his stay in that country, and the number and date of the orders issued by the Commonwealth authorities will be mentioned in the passport.

The Government of India would be glad to know whether this procedure is acceptable to the Commonwealth Government.

I have, &c.,
R. EWBANK,
Deputy Secretary.

32429

No. 13.
INDIA OFFICE to COLONIAL OFFICE.

(Received 29th June, 1923.)

[Answered by No. 15.]

SIR,

India Office, Whitehall, London, S.W.1, 28th June, 1923.

I AM directed by the Secretary of State for India to refer to correspondence ending with your letter of 8th November, 1922,* and the letter from this Office, dated 20th December, 1922,† regarding the adoption of a procedure for regulating the entry of Indians into the Dominion of Canada.

2. Copy is enclosed of a despatch from the Government of India on this subject and of a Circular letter sent by the Government of India to Local Governments in India giving instructions for the adoption of the procedure suggested by the Canadian authorities.

3. It will be observed that in their despatch the Government of India refer to the Canadian Orders in Council Nos. 182 and 183, dated 31st January, 1923, copies of which were enclosed with your letter of 23rd March, 1923. The Order in Council No. 183 excepts from the continuous journey regulation the wives and children of persons legally admitted to and resident in Canada who are in a position to receive and care for their dependents, but at the same time expressly excludes immigrants of Asiatic race from the benefit of this concession.

4. Lord Peel would be glad to learn whether, in the Duke of Devonshire's opinion, it might be suggested to the Canadian Government that they should consider the question of extending the exemption from the continuous journey regulation so as to include the certified wives and children of Indians lawfully domiciled in the Dominion.

I have, &c.,
L. J. KERSHAW.

Enclosure in No. 13.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.
(Overseas.)

(No. 8 of 1923.)

To

The Right Honourable Viscount Peel,
His Majesty's Secretary of State for India.

Simla,

24th May, 1923.

MY LORD,

In reply to your despatch Overseas No. 32, dated the 14th December, 1922, on the subject of regulating the entry of Indians into Canada, we have the honour to enclose a copy of our Revenue Secretary's Circular letter No. 106-Emi., dated 8th February, 1923, which conforms, with very slight modifications, to the procedure recapitulated by Your Lordship.

2. We have, as stated in our despatch No. 4, dated the 8th March, 1923, accepted the suggestion made by Your Lordship that passports endorsed for the Dominions other than Newfoundland should not be issued unless the issuing authority is satisfied that the applicant is entitled to enter the Dominion to which he desires to proceed, and have issued the necessary instructions to Local Governments.

3. We have undertaken the measures indicated in the two preceding paragraphs, with some reluctance. We have done so because we agree with Your Lordship that it is in the interests of the Indian traveller that the risk of difficulties being raised to his admission and of his journey proving fruitless should, so far as possible, be guarded against before his departure from this country. In the case of Canada, the wives and children of resident Indians, although qualified to enter the Dominion, were nominally subject, prior to 31st January, 1923, to the Orders in Council, P.C. 23, dated 7th January, 1914, and P.C. 2668, dated the 26th July, 1921.

* 55202: not printed: forwarded copy of No. 9. † 62904: not printed: this dealt with a different subject.

which prohibit the landing in Canada of persons who arrive there otherwise than by continuous journey from the country of which they are natives or naturalized citizens or of persons who do not possess a prescribed sum of money. In reply to the suggestion made by Your Lordship's predecessor in the India Office letter No. J. & P.-1172, dated the 20th March, 1920, for the formal amendment of these regulations, the Government of Canada stated that it was considered inadvisable to attempt to redraft the Orders in Council which nominally applied to wives and children of Indians resident in the Dominion, but that each individual case would be dealt with separately, letters being issued by the Department of Immigration expressing whether either or both of the Regulations should be waived. The Government of India did not regard the arrangement as altogether satisfactory or in accordance with paragraph 3 of the Reciprocity Resolution of 1918, but they did not press at the time for the amendment of the Regulations. We are glad to find from P.C. 182, dated 31st January, 1923, that the possession of the prescribed sum of money by wives and children of resident Indians has been waived and that the difficulties in the way of redrafting Order in Council, P.C. 24, of 7th January, 1914, have been overcome. The Regulation requiring continuous journey still exists. In discussion with the Right Honourable Srinivasa Sastri, the Minister of Colonization and Immigration stated his inability to alter the Order in Council, P.C. 23 as it is of general application, but promised that each Indian already permanently domiciled in that country would be permitted to bring in his wife and minor children, when they were properly certified to be his lawful wife and children. We observe from P.C. 183, dated the 31st January, 1923, that the Immigration Officer has been given power to exempt the wives and children of non-Asiatic persons resident in Canada from the operation of the Regulation. Since we are anxious that there should be no uncertainty regarding the exemption, as a matter of course, of the lawful wives and children of resident Indians from the Order in Council of 1914, we would be grateful if, in view of the action taken by us and of the concession which they have recently granted to non-Asiatic residents, the Canadian Government would now consider whether they cannot now so modify Order in Council, P.C. 23 of 7th January, 1914, as to exempt without qualification the wives and children of Indians domiciled in Canada, certified to be such in passports issued in India and endorsed for the Dominion. We confess that we are aware of no case in which the Order in Council has been enforced to the prejudice of such wives and children, and we do not ask that our request should be pressed if it is likely to prove embarrassing to the Dominion Government. At the same time we think that the terms of the Reciprocity Resolution, 1918, justify us in asking that the exemption in favour of these wives and children should be based on a formal Order in Council and not left to the administrative discretion of the Immigration Officer.

We have, &c.,

READING,
RAWLINSON,
MUHAMMAD SHAFI,
W. M. HAILEY,
B. N. SARMA,
C. A. INNES,
B. P. BLACKETT,
A. C. CHATTERJEE.

Circular No. 106-Emi., dated 8th February, 1923.

From

The Secretary to the Government of India,
Department of Revenue and Agriculture,

To

All Local Governments and Administrations.

Subject:—Procedure for facilitating the admission into Canada of British Indian subjects in accordance with the Reciprocity Resolution of the Imperial War Conference, 1918.

[See Enclosure in No. 11.]

No. 107.

Copy forwarded to the Foreign and Political Department for communication to the Agents to the Governor-General, and Political Officers, in continuation of the endorsement from the Government of India, Department of Commerce, No. 836-S., dated the 30th May, 1921.

56624

No. 14.

INDIA OFFICE to COLONIAL OFFICE.

(Received 24th November, 1923.)

[Answered by No. 15.]

India Office, Whitehall, London, S.W.1,

23rd November, 1923.

SIR,

WITH reference to correspondence ending with the letter from this Department of the 8th June, 1923,* on the subject of the issue of passports generally to Indians proceeding to the Dominions, I am directed by the Secretary of State for India to transmit, for the information of the Secretary of State for the Colonies, copy of a Circular issued by the Government of India to Local Governments and Administrations containing certain supplementary instructions regarding the grant of passports to *bona fide* Indian merchants, students and tourists desirous of entering Australia.

I have, &c.,

J. C. WALTON,

Assistant Secretary,

Industries and Overseas Department.

Enclosure in No. 14.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

(Overseas.)

Circular No. 908.

Simla,

26th October, 1923.

From

R. B. Ewbank, Esq., I.C.S.,

Deputy Secretary to the Government of India.

To

All Local Governments and Administrations.

Subject:—Issue of passports to Indians proceeding to the Dominions.

SIR,

WITH reference to the correspondence resting with the Circular letter from the Government of India in the Department of Revenue and Agriculture No. 261-Emi., dated the 15th March, 1923, I am directed to say that the Commonwealth Government of Australia have drawn attention to certain irregularities in connexion with the arrangement under which *bona fide* Indian merchants, students and tourists are permitted to enter Australia, on presentation of passports issued by the Government of India and to remain in that country whilst they retain their status.

2. The first case relates to an Indian gentleman of superior standing who recently visited Australia and complained that Indians who were entitled to admission as members of the exempted classes were unable to obtain the necessary passports for Australia unless they could first produce a letter showing that their admission into Australia had been authorized. The second case is that of an Indian who claimed to be a tourist, but who travelled in the steerage and only had £10 in his possession on arrival in Australia, where he admitted that he intended to live with a relative in the country and to help him on his farm. He was described on his passport as an agriculturist and the purpose of his visit was shown thereon as "to visit relatives." It was not considered that such a person is eligible to land as a tourist.

3. It has been explained to the Government of the Commonwealth of Australia that the gentleman of superior standing was under some misapprehension regarding the instructions issued by the Government of India, as the existing regulations

* No. 10.

prescribe that a passport endorsed for the Dominions other than Newfoundland is to be refused only if the passport-issuing authority is satisfied that the applicant is not entitled to enter the Dominion to which he desires to proceed, and that inquiries are only to be addressed to the immigration authority of the Dominion of destination in doubtful cases.

I am, however, to take the opportunity of drawing attention to the precise meaning attached by the Commonwealth Government to the terms "merchant," "student," and "tourist."

As stated in the memorandum forwarded with the Circular letter from the Government of India, in the Department of Revenue and Agriculture, No. 232-R.A., dated the 26th November, 1921, "merchant" is intended to mean only persons engaged in the wholesale overseas trade between India and Australia and not to hawkers, herbalists, retail shopkeepers, etc. In cases of doubt as to whether applicants are in a position or really intend to engage in promoting the wholesale overseas trade between India and Australia, it would be well to advise the applicants first to communicate with the Home and Territories Department, Melbourne, setting out fully the class of business they intend to engage in, amount of capital at their disposal, firms they represent, reference in Australia (if any), etc. There would be no need, however, to delay the issue of a passport in cases where, for example, the applicant is an educated Indian who is able to produce satisfactory credentials to show that he is connected with, or will represent, a well-established business house in India which proposes to trade on a wholesale basis with Australia.

"Students" are required to engage solely in educational pursuits whilst in Australia and to attend regularly at some recognized educational institute.

The term "tourist" is held to apply to persons who come to Australia primarily for sight-seeing purposes, and not, as in the case referred to above, to visit and reside for a lengthy period with relatives and possibly assist them on their farms or in their businesses. It is desirable that passport officers should be reasonably satisfied as to the applicant's *bona fides* before granting a passport to an applicant who states that he intends to proceed to Australia as a tourist. Where the applicant is more or less illiterate, and doubt arises as to whether he would be able to pay his own way in Australia without working, it is desirable that the applicant should be judiciously questioned as to his available funds and how he proposes to occupy his time whilst in Australia.

4. No objection would be raised in Australia to the issue of a passport, without the prior production of an official letter authorizing admission to an Indian of good standing who could show that he was proceeding to Australia by invitation of some reputable organization (such as the Young Men's Christian Association, Salvation Army, Theosophists Society, etc.) for the purpose of giving lectures, etc.

5. The Commonwealth Government have also informed the Government of India that a Chinese, Japanese or other coloured servant of a European of good standing who proposes to visit Australia would be admitted temporarily under exemption for a period of six months, renewable in special circumstances for a further period of not more than six months, subject to the employer giving a written undertaking to the Customs authorities at the port of landing to be responsible for the servant's due departure from the Commonwealth. It is not necessary for the employer to obtain special authority beforehand for the temporary admission of his servant.

I have, &c.,
R. B. EWRANK,
Deputy Secretary.

1585

No. 15.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 16.]

(Confidential.)

Sir,

Downing Street, 1st May, 1924.

With reference to the letters noted in the margin, I am directed by

India Office letter, 8th June, 1923.^a
India Office letter, 8th June, 1923.^b
India Office letter, 22nd June, 1923.^c
India Office letter, 28th June, 1923.^d
India Office letter, 23rd November, 1923.^e

Mr. Secretary Thomas to request you to inform the Secretary of State for India that it was considered desirable to suspend action upon the matters dealt with in those letters until after the meeting of the Imperial Conference last autumn and the return of the

Dominion Prime Ministers to their respective Dominions, particularly as Mr. Thomas's predecessor was strongly averse from complicating the questions relating to passports by reference to the difficult and contentious question of citizen rights, as suggested in paragraph 5 of India Office letter of the 8th June, 1923.^f It is presumed that in view of the discussions which took place at the Imperial Conference (pp. 66-140 of Cmd. 1888) the Secretary of State for India would not now wish to treat the two matters as interconnected.

2. With regard to the Circular instructions issued by the Government of India on the subject of the issue of passports to Indians proceeding to the Dominions (No. 261 Emi. of the 15th of March, 1923), a copy of which was enclosed in India Office letter of the 8th of June, 1923.^g I am to inquire whether the reservation expressed in the sentence "This rule does not apply to passports endorsed for mandated territories administered by a Dominion Government," is meant to imply that acceptance of the present proposals would involve acquiescence in the contention of the Government of India that Indians have a right to enter territories administered under mandate by the Dominion Governments. If such is the case, the Secretary of State for India will no doubt realize that difficulties will arise with the Dominion Governments concerned.

I am further to observe that the use of the word "entitled" in paragraph 1 of the Circular, which is also used in paragraph 2 of the India Office letter referred to, is likely to create difficulties, which would, however, be avoided by the substitution of the word "qualified" or the word "eligible."

3. Subject to the observations in the preceding paragraph Mr. Thomas would feel no difficulty in explaining to the Governments of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and Newfoundland, the arrangement covered by the Circular of the 15th of March, 1923, and in putting to the Governments of Canada and the Commonwealth of Australia, the further suggestions of the Government of India as to passports, which formed the subject of the other India Office letters under reference.

4. The Secretary of State would also be prepared to request Colonial Governments generally to act in accordance with the suggestions contained in paragraph 2 of the India Office letter of the 8th of June, 1923.^h

5. I am to enclose drafts of despatchesⁱ which the Secretary of State would propose to send on the subject, and to inquire whether the Secretary of State for India has any observations to offer on them.

I am, &c.,
J. F. N. GREEN,
for the Under Secretary of State

26810

No. 16.

INDIA OFFICE to COLONIAL OFFICE.

(Confidential.)

Sir,

India Office, Whitehall, London, S.W.1, 4th June, 1924.

I AM directed by Lord Olivier to acknowledge receipt of your Confidential letter of 1st May,^j regarding the Government of India's general instructions to passport-issuing authorities in India, dated 15th March, 1923, as to the issue of

^a Nos. 10, 11, 12, 13 and 14.^b No. 10.^c See Nos. 17, 18 and 19.^d No. 15.

passports to Indians proceeding to the Dominions, and regarding various particular matters connected with the admission of qualified Indians into Canada and Australia.

2. The first of the India Office letters to which you refer, dated 8th June, 1923,* transmitted copy of these general instructions, and suggested that similar instructions might be issued to other passport-issuing authorities within the Empire. Lord Olivier has no observations to offer on the drafts of the despatches which Mr. Secretary Thomas proposes to send on the subject except that the opening portion of paragraph 2 of the draft despatch to the Dominions might perhaps read "The Secretary of State for India has suggested that Dominion Governments might consider," etc.

3. As regards the reference to paragraph 5 of the India Office letter, Mr. Secretary Thomas will have noted that the basis of the inherent connexion between the Government of India's action and the question of the grant of the rights of citizenship to Indians already lawfully domiciled in the Dominions is the desirability of promoting harmonious relations between the Dominions and India. The Government of India hoped that their action, in co-operating more closely with the Dominions Governments in accordance with paragraph 2(b) (which relates to passports) of the Resolution of the Imperial War Conference of 1918, might facilitate progress with the practical steps still required to give effect to the Resolution of 1921. Lord Olivier agrees that there is now less need to communicate the Government of India's assurance of their anxiety to foster reciprocal friendly relations in view of the confirmation which they received at the Imperial Conference that has since intervened at which the representatives of the Dominions other than the Union of South Africa in the course of a discussion based on the 1921 Resolution accorded a generally favourable reception to the proposals put forward by the representatives of India with the object of finding the best and earliest methods of giving effect to its principle.

4. In regard to the inquiry in paragraph 2 of your letter His Lordship is of opinion that the Government of India's action in giving certain instructions to passport-issuing authorities in India could not be construed as implying the contingent acquiescence of Dominion Governments in the Government of India's views on the question of the admission of Indians into territories held under Dominion mandate.

5. The India Office letter of 23rd November, 1923,† transmitted copy of certain supplementary instructions given to passport-issuing authorities in India. The letters of 8th June, 1923, and 28th June, 1923,‡ contained inquiries or suggestions in regard to certain questions affecting the admission of Indians into Canada, and the letter of 22nd June, 1923,§ related to a suggested procedure for the admission into Australia of substitutes for Indians engaged in farming or trade. Lord Olivier notes that Mr. Thomas proposes to address the Governments of Canada and the Commonwealth of Australia on the points referred to, and the latter Government on the suggestions made in paragraphs 3 and 4 of the India Office letter of 8th June, 1923.* He has no observations to offer on the terms of the draft despatches on these subjects. In the copy received of the draft despatch to the Commonwealth Government in the sixth line of the third page the word "of" after the words "forward a copy" appears to be a typographical error for the word "to."

I have, &c.,

E. J. TURNER.

1585

No. 17.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL
AND GOVERNOR.

[Answered by Nos. 22 and 23.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland. Confidential (2).)

Confidential (3).)

[My LORD,] [SIR,]

Downing Street, 12th June, 1924.

I HAVE the honour to request [Your Excellency] [you] to inform your Ministers that the Government of India have issued instructions to all passport-

* No. 10.

† No. 14.

‡ Nos. 11 and 13.

§ No. 12.

issuing authorities in India to the effect that no passport endorsed for the Dominions (other than Newfoundland) should be issued unless the issuing authority is satisfied that the applicant is qualified to enter the Dominion to which he desires to proceed; and that, in doubtful cases, the passport-issuing authority should refer to the immigration authority in the Dominion concerned, before agreeing to grant an endorsement for that country. The instructions further state that in the case of passports endorsed for the Dominions both the object and the probable duration of the visit should be set out in the space provided for "observations" in the passport form.

2. The Secretary of State for India has suggested that Dominion Governments might consider the desirability of issuing, if they have not already done so, similar instructions to their passport-issuing authorities, on the ground that it is in the interest of all concerned that, in cases in which there is not reasonable ground for thinking that they will be admitted, Indians wishing to visit the Dominions should not be furnished with passports without prior consultation with the immigration authorities of the Dominion concerned.

[To Union of South Africa only: 3. In the light of Ministers' minute No. 724 of the 9th October, 1923, enclosed in His Royal Highness Prince Arthur of Connaught's Confidential despatch of the 10th October, 1923,* it is understood that such instructions have in fact already been issued so far as the Union is concerned.]

4. A similar despatch is being addressed to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, and the Governor of Newfoundland.]

[Not to Union of South Africa: 3. A similar despatch is being addressed to the Governors-General of [To Canada: Commonwealth of Australia, New Zealand, Union of South Africa and the Governor of Newfoundland.] [To Australia: Canada, Union of South Africa, New Zealand, and the Governor of Newfoundland.] [To New Zealand: Canada, Commonwealth of Australia, Union of South Africa, and the Governor of Newfoundland.] [To Newfoundland: Canada, Commonwealth of Australia, Union of South Africa and New Zealand.]]

I have, &c.,

J. H. THOMAS.

1585

No. 18.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 20.]

(Confidential (4).)

My LORD,

Downing Street, 12th June, 1924.

WITH reference to my Confidential despatch of even date† on the subject of the issue of passports to Indians desirous of visiting the Dominions, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Circular dated the 8th February, 1923,‡ issued by the Government of India regarding the procedure for facilitating the admission of Indians into Canada. The procedure as set out in paragraph 2 of this Circular is understood by the Government of India to embody the arrangement reached in correspondence ending with your despatch No. 576 of the 24th of October, 1922.§

2. In this connexion the Government of India desire to invite attention to three further points:—

(a) They would be glad to learn whether the Canadian Government would now be prepared, in order to avoid the difficulties sometimes experienced by Indians who are delayed at Hongkong *en route* for Canada, to issue instructions to shipping companies in the sense suggested in paragraph 6 of the India Office letter enclosed in Mr. Churchill's despatch No. 392 of the 11th of August, 1922.||

(b) They ask that consideration may be given to the possibility of extending the exemption from the regulation (P.C. 23 of 1914) requiring continuous journey, which was granted to certain classes of persons by P.C. 183 of 1923, so as to include specifically the certified wives and children of Indians already resident in Canada. It is understood that in practice the regulation has not been enforced to the

* 52666: not printed.

† No. 17.

‡ Enclosure in No. 11.

§ No. 9.

|| No. 7.

prejudice of such persons; but the Government of India are anxious that there should be no uncertainty regarding their exemption, and would be grateful if this could be thus formally recognized, should there be no serious difficulty in so doing.

(c) They invite attention to the arrangement in force in the Commonwealth of Australia, under which a person appearing to be a prohibited immigrant is permitted to enter the Commonwealth provisionally under Section 6 of the Commonwealth Immigration Act, 1901-1920, subject to his making a deposit and obtaining a certificate of exemption within one month; and they inquire whether the Canadian Government would be prepared to consider the adoption of a similar arrangement, if this should be feasible under the terms of Sections 2 (g) (vii), 4 and 33 (13) of the Canadian Immigration Act.

3. I should be glad to be informed what views your Ministers take on the points raised by the Government of India.

I have, &c.,
J. H. THOMAS.

1585

No. 19.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 24.]

(Confidential (4).)

My Lord,

Downing Street, 12th June, 1924.

WITH reference to my Confidential despatch* of even date on the subject of the issue of passports to Indians desirous of visiting the Dominions, I have the honour to request Your Excellency to inform your Ministers that the Government of India understands that difficulties are sometimes encountered by Indians in Australia owing to the fact that under the Australian Regulations passport-issuing authorities in India have to use a special form stating the object and probable duration of the visit. In view of the administrative inconvenience arising out of the use of different kinds of passports for different countries, the Government of India would prefer, if the Commonwealth Government see no objection, to make use of the ordinary form of Indian passport, of which a specimen is enclosed.† It will be seen from my despatch under reference, that instructions have been given to passport-issuing authorities in India to state the object and probable duration of a visit in the space provided in the passport form for "observations."

2. The Government of India also suggest that some definite procedure should be arranged to meet the case of persons desiring to enter Australia as substitutes for Indians engaged in farming or trade. The procedure proposed is that an Indian trader, farmer, or hawker resident in Australia, who wishes that a substitute should be temporarily admitted to carry on his work, should, in the first instance, apply to the immigration authorities of the Commonwealth Government. The immigration officer would communicate their orders to the applicant and forward a copy to the passport-issuing authority in India (i.e., Local Governments or Political Officers, as the case may be), within whose jurisdiction the proposed substitute resides. The applicant could then communicate with the substitute, and when the latter applies for a passport, the local authority would take action in accordance with the decision of the Commonwealth Government, of which they would already be in possession. If a passport endorsed for Australia is issued to a substitute, the capacity in which he is proceeding to the Commonwealth, the period of his stay in that country, and the number and date of the orders issued by the Commonwealth authorities would be mentioned in the passport.

3. The Government of India inquire whether, as they have now assumed the obligation to withhold passports valid for Australia from Indians other than those who can establish to the satisfaction of the passport-issuing authorities that they are qualified for admission into Australia, the Commonwealth Government would be willing to consider the possibility of entering into negotiations with a view to making an arrangement to be notified under Section 4a of the Immigration Act, 1901-1920, exempting Indian passport holders from the dictation test prescribed under the Act.

* No. 17. † Not printed here.

4. I should be glad to be informed what views your Ministers take on the points raised by the Government of India.

5. A copy of a Circular issued by the Government of India on the 26th of October, 1923,* is enclosed for information.

I have, &c.,
J. H. THOMAS.

37435

No. 20.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7th August, 1924.)

(Confidential.)

Government House, Ottawa, 28th July, 1924.

SIR, WITH reference to your despatch of the 12th June, Confidential (4),† regarding certain points raised by the Government of India in connexion with the procedure for facilitating the admission of Indians into Canada, I have the honour to enclose, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs setting forth the views of my Government.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 20.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

(Confidential.)

Ottawa, 24th July, 1924.

SIR, WITH reference to the despatch to His Excellency from the Secretary of State for the Colonies, dated the 12th of June, 1924, Confidential (4), asking for the views of the Canadian Government upon certain points raised by the Government of India in connexion with the procedure for facilitating the admission of Indians into Canada, I have the honour to state that after consideration of these points in the Department of Immigration and Colonization, it has been intimated that with regard to the suggestion that in order to avoid the difficulties sometimes experienced by Indians who are delayed at Hongkong en route for Canada, instructions should be issued to shipping companies as suggested in the India Office letter enclosed in Colonial Office despatch No. 392 of the 11th August, 1922, the Department is not aware that Indians whose cases are *bona fide* have experienced any difficulty at Hongkong. It is true that a year or two ago a number of Indians who had had previous Canadian residence but had lost Canadian domicile and therefore their right to return, were delayed at Hongkong, but in every one of these cases the Indians were not admissible to Canada under the Canadian Immigration regulations, a fact which was well known to the transportation companies. The Department is of opinion that under the existing arrangement, Indians travelling to Canada who are admissible will have no difficulty at Hongkong. This has been established by the fact that there have been no delays at that place within the past two years, and in the circumstances the Department is of the opinion that no further action is necessary as the transportation companies are fully conversant with the provisions of the Canadian Immigration Act.

As regards the proposed extension of the exemption from the regulations requiring continuous journey, which was granted to certain classes of persons by the Order in Council of the 31st January, 1923 (P.C. 183), so as to include specifically the certified wives and children of Indians already resident in Canada, the Department offers the assurance that there is no question with regard to the exemption from the provisions of the Order in Council of the 7th of January, 1914 (P.C. 23), in so far as concerns the wife or child under 18 years of age of any Indian who has been legally landed in Canada and is a *bona fide* resident thereof, and further, is in a position to receive and care for his dependents. It is pointed out that this is specifically covered by Section 4 of the Order in Council of the 31st of January, 1923 (P.C. 183).

* Enclosure in No. 14. † No. 18.

Touching the further proposal for the adoption by this Government of an arrangement similar to that in force in the Commonwealth of Australia, the Department of Immigration does not consider it advisable to adopt such an arrangement and points out that each individual case is dealt with on its merits and the provisions of the law as referred to are brought into operation when the circumstances of the individual cases warrant such action.

I am to request that His Excellency may be humbly moved to convey this expression of the views of the Department of Immigration and Colonization to Mr. Secretary Thomas.

I have, &c.,
W. H. WALKER,
Assistant Under-Secretary of State
for External Affairs

41846

No. 21.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd September, 1924.)

SIR, India Office, Whitehall, London, S.W.1, 2nd September, 1924.

I AM directed by the Secretary of State for India to acknowledge receipt of your letter of 14th August, 1924,* and enclosed despatch from the Governor-General of Canada, which relates among other matters to the question of the entry into Canada of the wives and children, under 18 years of age, of any Indian who has legally landed in Canada and is a *bona fide* resident thereof, and is in a position to receive and care for his dependents.

2. It is observed that the Order in Council of 31st January, 1923 (P.C. 183), which is referred to in the letter from the Department of the Secretary of State for External Affairs as specifically covering such entry, appears (as was suggested in the letter from this office of 28th June, 1923,†) to be so expressed in its last paragraph as not to apply to immigrants of any Asiatic race.

3. The Government of India are, however, being informed of the assurance contained in the letter that there is no question in regard to the exemption of the wives and children referred to from the provisions of the Order in Council of 7th January, 1914 (P.C. 23).

I have, &c.,
J. C. WALTON,
for Secretary,
Economic and Overseas Department.

43960

No. 22.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th September, 1924.)

(Confidential.)

SIR, Government House, Wellington, 12th August, 1924.

I HAVE the honour to inform you that my Ministers advise me that action will be taken, as suggested in your despatch, Confidential (3) of the 12th June,‡ relative to the grant of passports to Indians proceeding to the Dominions.

I have, &c.,
JELLICOE,
Governor-General.

* 37495: not printed; enclosed copy of No. 20. † No. 13. ‡ No. 17.

45077

No. 23.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd September, 1924.)

(Confidential.)

Governor-General's Office, Melbourne,

SIR,

8th August, 1924.

WITH reference to your Confidential despatch (3) dated 12th June, 1924,* relative to the instructions issued by the Government of India to passport-issuing authorities in India to the effect that no passport endorsed for the Dominions (other than Newfoundland) should be issued to any Indian unless the issuing authority is satisfied that the applicant is qualified to enter the Dominion to which he desires to proceed, and that, in doubtful cases, reference should be made to the Dominion concerned before agreeing to grant an endorsement for that country, I have the honour, at the instance of my Prime Minister, to inform you that, in accordance with the suggestion by the Secretary of State for India, similar instructions will be issued to passport-issuing authorities in Australia.

I have, &c.,
FORSTER,
Governor-General.

45078

No. 24.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd September, 1924.)

(Confidential (2).)

Governor-General's Office, Melbourne,

SIR,

8th August, 1924.

WITH reference to your Confidential despatch (4) dated 12th June, 1924,† on the subject of the issue of passports to Indians desirous of visiting the Dominions, I have the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Government is quite agreeable that the ordinary form of passport should be used in the case of Indians who are eligible to enter Australia in pursuance of the arrangement relating to *bona fide* merchants, students, or tourist travellers, or under some other authority.

It is observed that the passport-issuing authorities in India have been instructed to state the object and proposed duration of a visit in the space provided in the passport form for "observations."

The procedure suggested by the Government of India and outlined in paragraph 2 of your despatch is acceptable to the Commonwealth Government, and arrangements will be made by the Commonwealth Home and Territories Department, which is charged with the administration of the Immigration Act, 1901-1920, to act in accordance therewith in future.

With regard to the question of making an arrangement to be notified under Section 4A of the Commonwealth Immigration Act, exempting Indian passport-holders from the Dictation Test prescribed by the Act, my Prime Minister points out that the provisions relating to the application of the Dictation Test are discretionary in form, and that, in accordance with administrative arrangements already in force, it is the practice *not* to apply the test to any Indian who is in possession of a valid passport and who satisfies the authorities that he is eligible to land in Australia as a *bona fide* merchant, student, tourist, or in any other capacity. In these circumstances my Prime Minister does not consider it necessary for any action to be taken to issue a notification under Section 4A.

I have, &c.,
FORSTER,
Governor-General.

* No. 17. † No. 19.

II.—CANADA.

(a) Admission of Chinese.

23679

No. 25.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11th May, 1923.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copies of notes from the Chinese Chargé d'Affaires on the subject of admission of Chinese immigrants into Canada, for such observations as His Grace the Duke of Devonshire may desire to offer.

Foreign Office,
10th May, 1923.

(F.O. 23/18.)

Enclosure 1 in No. 25.

MY LORD, Chinese Legation, London, W.1, 3rd May, 1923.

I HAVE the honour to inform Your Lordship that I have received a despatch from the Chinese Consul-General at Ottawa to the effect that the Chinese residents in Canada are very seriously perturbed by the menaced application of the system of finger prints to the Chinese entering the Dominion.

There is no objection whatever to the introduction of effective, but inoffensive methods of identification, and there exist many such, apart from the taking of finger prints. From the Chinese standpoint this form of identification is only normally employed in China in connexion with criminal cases and especially after the condemnation of prisoners. It is but natural, therefore, that it should be regarded as humiliating and degrading to be asked to affix finger prints to any documents, and the introduction of the system is very keenly deprecated.

Against the passage of legislation on these lines entailing the compulsory record of finger marks, the Chinese in Canada very strongly protest, and I shall be grateful if Your Lordship will be good enough to submit this representation of their views for consideration to the Department concerned, and favour me with an early reply.

I have, &c.,
CHAO-HSIN CHU,
Chargé d'Affaires.

The Most Honourable
The Marquis Curzon of Kedleston, K.G., G.C.S.I.,
His Britannic Majesty's
Principal Secretary of State for Foreign Affairs,
Foreign Office, S.W.1.

(F.O. 23/19.)

Enclosure 2 in No. 25.

MY LORD, Chinese Legation, London, W.1, 5th May, 1923.

I HAVE the honour to bring to Your Lordship's notice that I have received a number of telegrams and written communications from the Chinese Benevolent Association and kindred bodies in Canada protesting against the Chinese Immigration Bill which has now just passed its Second Reading in the Dominion Parliament.

These representations lay stress on a number of points in this proposed legislation which are regarded as both unjust and prejudicial. Among them I may particularly specify the refusal of admission to the wives and children of Chinese merchants and the Chinese professional classes generally, notably editors and missionaries; the liability to deportation of Chinese residents who may either change

their occupation, become temporarily unemployed, or fall victims to illness; discrimination against the Chinese in respect of the heavy penalty (500 dollars) for failure to register; and the complete absence of any appeal of a judicial nature against the decision of the Immigration Authorities.

These representations are supported by the Chinese Consul-General at Ottawa. I shall accordingly be grateful to Your Lordship if consideration can be extended to these protests by the Departments concerned, and I should appreciate the favour of an early reply.

I have, &c.,
CHAO-HSIN CHU,
Chargé d'Affaires.

The Most Honourable
The Marquess Curzon of Kedleston, K.G., G.C.S.I.,
His Britannic Majesty's
Principal Secretary of State for Foreign Affairs,
Foreign Office, S.W.1.

23679

No. 26.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 27.]

(No. 227.)

MY LORD,

Downing Street, 15th May, 1923.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, the accompanying copies of notes from the Chinese Chargé d'Affaires* relative to the proposed Canadian legislation regarding the admission of Chinese into the Dominion.

I have, &c.,
DEVONSHIRE.

44657

No. 27.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th September, 1923.)

[Answered by No. 28.]

(No. 461.)

MY LORD DUKE,

Government House, Ottawa, 29th August, 1923.

WITH reference to your despatch No. 227, of the 15th May,† on the subject of the proposed Canadian Legislation regarding the admission of Chinese into Canada, I have the honour to enclose, herewith, a copy of the Chinese Immigration Act, 1923,‡ which limits the immigration of Chinese into Canada to merchants and university students. In regard thereto, it may be observed that in so far as right of appeal is concerned, there is no discrimination against Chinese as such, as all immigrants refused admission to Canada or ordered deported from the Dominion, have the right of appeal to the Minister, and the right of appeal to the Courts where they claim Canadian citizenship or domicile.

I may add that there is no provision in the Chinese Immigration Act for the finger-printing of Chinese immigrants.

I have, &c.,
BYNG OF VIMY.

* Enclosures in No. 25. † No. 26. ‡ Not printed here.

48422

No. 28.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 490.)

My LORD,

Downing Street, 13th October, 1923.

WITH reference to Your Excellency's despatch No. 461 of the 29th of August,* I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a Note addressed to the Chinese Chargé d'Affaires on the subject of the recent Canadian legislation regarding the admission of Chinese into Canada.

I have, &c.,
DEVONSHIRE.

Enclosure in No. 28.

SIR,

Foreign Office, S.W.1, 29th September, 1923.

WITH reference to my Note of 22nd May last, I have the honour to inform you that a reply has now been received from the Government of Canada, regarding the complaints contained in your Notes of 3rd and 5th May, on the subject of the immigration of Chinese into the Dominion.

2. It is pointed out that, under the Chinese Immigration Act, 1923, there is no discrimination against Chinese as such, so far as right of appeal is concerned, as all immigrants refused admission to Canada, or ordered to be deported from the Dominion, have the right of appeal to the Minister of Immigration and Colonization, and the right of appeal to the Courts where they claim Canadian citizenship or domicile.

3. Further, as regards the fears expressed by the Chinese community in Canada, that the finger print system of identification is to be applied, it is stated that there is no provision in the Chinese Immigration Act for the finger printing of Chinese immigrants.

I have, &c.,
V. WELLESLEY.

Monsieur Wei-Cheng Chen,
&c., &c., &c.

(b) Admission of Japanese.

24677

No. 29.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 30.]

(Confidential.)

My LORD,

Downing Street, 6th June, 1923.

I HAVE the honour to request Your Excellency to inform your Ministers that attention has been called to the statement made by Mr. Mackenzie King, which appears on page 1507 of Hansard No. 37, of the 23rd March, regarding certain negotiations which are taking place between the Canadian and Japanese Governments with a view to modifying the terms of the Lemieux Agreement.

2. The Secretary of State for Foreign Affairs would be glad if he could be informed as to the nature and progress of these negotiations.

I have, &c.,
DEVONSHIRE.

* No. 27.

39269

No. 30.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7th August, 1923.)

(Confidential.)

My LORD DUKE,

Government House, Ottawa, 27th July, 1923.

WITH reference to Your Grace's Confidential despatch of the 6th June,* on the subject of a statement made by the Prime Minister on the 23rd March last, regarding certain negotiations between the Canadian and Japanese Governments respecting Japanese immigration, I have the honour to transmit herewith, for Your Grace's information, copy of a letter from the Department of the Secretary of State for External Affairs setting forth the position taken by my Government.

I have, &c.,
BYNG OF VIMY.

Enclosure in No. 30.

LETTER FROM DEPARTMENT EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

(Confidential.)

SIR,

Ottawa, 23rd July, 1923.

WITH reference to the Confidential despatch from the Secretary of State for the Colonies to the Governor-General dated the 6th June, 1923, on the subject of a statement made by the Prime Minister on the 23rd March last, regarding certain negotiations between the Canadian and Japanese Governments respecting Japanese immigration, I have the honour to represent that under the so-called Lemieux Agreement, the Japanese Government voluntarily undertook to restrict the numbers of Japanese immigrants of the labouring classes to a maximum figure named therein. A monthly return of the number submitted under this Agreement is made by His Majesty's Ambassador at Tokio to the Department of External Affairs through which it is transmitted to the Department of Immigration.

At the session of Parliament of 1922, and the session recently closed, a Bill was introduced by Mr. Neill, representative for Comox-Alberni, in the nature of Japanese Exclusion Act. It was pointed out to the Japanese Consul General that unless the Japanese Government could find it possible voluntarily to further restrict the numbers of Japanese labourers entering Canada, in view of existing conditions and feelings in the Province of British Columbia, the Government might find it necessary to lend its support to the measure introduced by Mr. Neill or itself introduce legislation imposing added restrictions upon Japanese immigration. It was further represented that, appreciating the difficulties with which the Japanese Government was faced, the Government of Canada was most anxious, if that were at all possible to avoid dealing with this matter by legislation, and the Consul General was advised to make representations accordingly.

These representations have resulted in the Japanese Government agreeing further to limit the number of passports which it will issue to labourers leaving Japan for Canada. A definite number has not been fixed, but the Japanese Government have been told that whether or not legislation of the character referred to may become necessary at a subsequent session of Parliament will depend on how effective the Japanese Government's efforts further to impose restrictions may be. It is hoped that the reductions in the number of Japanese labourers entering Canada from now on will be such as to avoid the necessity of the enactment of any legislation.

For obvious reasons, the Canadian Government sought to avoid creating an international issue in this matter, and have, therefore, deemed it prudent to proceed in the manner referred to. Should formal action with respect to a modification of the Lemieux Agreement be required at any stage, the Government will be pleased to see that the Secretary of State for Foreign Affairs is immediately informed with respect thereto.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have, &c.,
JOSEPH POPE,
Under Secretary of State for External Affairs.

* No. 29.

III.—AUSTRALIA.

(a) Correspondence regarding Western Australia Licensing Act Amendment Act, 1922 (No. 2).

31049

No. 31.

INDIA OFFICE to COLONIAL OFFICE.

(Received 21st June, 1923.)

India Office, Whitehall,

London, S.W.1., 21st June, 1923.

Sir,

With reference to your letter of the 31st May, 1923,* and connected correspondence, regarding the reserved Bill of the Parliament of Western Australia for an Act to further amend the Licensing Act, 1911, I am directed by the Secretary of State for India to transmit copy of the telegram which has been received from the Government of India on this subject.

In view of the Government of India's telegram Viscount Peel would suggest, for the Duke of Devonshire's consideration, that, if it is decided to advise His Majesty to assent to the Bill, it might also be suggested to the Government of Western Australia that it would be in accordance with the spirit of Resolution No. IX of the Imperial Conference, 1921, regarding the position of British Indians in the Empire, if the State Government could see their way to exempt British subjects of Indian race lawfully domiciled in Western Australia from the operation of this particular measure.

The copies of the Licensing Act, Amendment Act, 1922, and of the Parliamentary debates enclosed with your letter of 31st March, 1923,† are returned herewith.

I have, &c.,
L. J. KERSHAW.

Enclosure in No. 31.

TELEGRAM FROM VICEROY, DEPARTMENT OF EDUCATION AND HEALTH, TO SECRETARY OF STATE.

(Received 6.45 p.m., 7th June, 1923.)

7TH JUNE. 5540. India Office letter dated 10th May. Western Australia Licensing Act Amendments Bill. We had hoped that after Sastri's visit, steps would be taken in various State Parliaments to remove the existing discrimination against resident Indians, and had not anticipated fresh disabilities would be imposed so soon after his departure. Bill imposes restrictions on employment of all Asiatics in licensed premises in Western Australia, except in North Province, without making exceptions in favour of Indians. Since Indians are affected by the measure, it is opposed to the resolution of the Imperial Conference of 1921, relating to the status of Indians, which was accepted by Australia. If it is found impossible to veto the Bill, we would urge that Indians may be (excepted) from its operation.

34959

No. 32.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 13th July, 1923.)

Privy Council Office,

Whitehall, S.W.1., 12th July, 1923.

Sir,

I AM directed by the Lord President of the Council to transmit to you the accompanying Order of His Majesty in Council of the 7th instant, assenting to a Reserved Bill of the Parliament of Western Australia, and I am to request that you will lay the same before the Secretary of State for the Colonies.

I am, &c.,
M. P. A. HANKEY.

* 25807: not printed: requested that Indian Government might be asked to communicate their views by telegraph.

† 4787: not printed: forwarded to India Office for observations a copy of the Western Australia Licensing Act Amendment Bill, 1922 (No. 2).

Enclosure in No. 32.

AT THE COURT AT BUCKINGHAM PALACE.

The 7th day of July, 1923.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Somerleyton.

Sir Frederick Ponsonby.

Mr. Neville Chamberlain.

Mr. Montagu Norman.

Lt.-Colonel George Gibbs.

Commander B. M. Eyres-Monsell.

WHEREAS the Governor of the State of Western Australia (being one of the States constituting the Commonwealth of Australia) has reserved a certain Bill passed by the Legislative Council and the Legislative Assembly of the said State entitled "An Act to further amend the Licensing Act, 1911," for the signification of His Majesty's pleasure thereon:

And whereas the said Bill, so reserved as aforesaid: has been laid before His Majesty in Council, and it is expedient that the said Bill should be assented to by His Majesty:

Now, therefore, His Majesty doth, by this present Order, by and with the advice of His Majesty's Privy Council, declare His assent to the said Bill.

M. P. A. HANKEY.

34959

No. 33.

WESTERN AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 41.)

Sir,

Downing Street, 23rd July, 1923.

I HAVE the honour to acknowledge the receipt of your despatch No. 43, of the 23rd of December last,* and to transmit to you, to be laid before your Ministers, one sealed copy and four plain copies of an Order of His Majesty in Council, dated the 7th of July, 1923,† assenting to the Reserved Bill of the Parliament of Western Australia entitled "An Act to further amend the Licensing Act, 1911."

I have to request you to inform your Ministers that the Government of India, to whom a copy of the Bill was communicated, have observed that it imposes restrictions on the employment of all Asiatics in licensed premises in Western Australia, elsewhere than in the North Province, without making exceptions in favour of Indians, and is thus opposed to Resolution IX of the Imperial Conference of 1921, relating to the position of British Indians in the Empire. The Government of India had hoped that, after the visit of the Right Honourable Srinivasa Sastri, steps would be taken in the Australian State Parliaments to remove existing discriminations against resident Indians, and had not anticipated that fresh disabilities would be imposed. They desire to urge that it would be in accordance with the spirit of the above-mentioned Resolution if your Government could see their way to arrange that British subjects of Indian race lawfully domiciled in Western Australia should be exempted from the operation of this measure.

I have, &c.,
DEVONSHIRE.

* 4787: not printed: forwarded copy of Reserved Bill referred to in No. 31.

† Enclosure in No. 32.

(b) Correspondence regarding Queensland Banana Industry Preservation Act of 1921.

10560

No. 34.

QUEENSLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by Nos. 35 and 36.]

(No. 35.)

Sir,

Downing Street, 16th March, 1922.

I HAVE the honour to acknowledge the receipt of your despatches Nos. 31 and 42 of the 4th of October last,* and to request that you will inform your Ministers that His Majesty will not be advised to exercise his power of disallowance with respect to Acts Nos. 3 and 4, of 1921, of the Parliament of Queensland entitled respectively "The Banana Industry Preservation Act of 1921" and "The Police Acts Amendment Act of 1921."

2. Attention has, however, been drawn by the Government of India to the fact that the Banana Industry Preservation Act and the Regulations made thereunder will impose a dictation test, in a language directed by the Secretary for Agriculture, on persons engaged in, or employed in, the cultivation of bananas; that Regulation No. 1 exempts from the Act and the Regulations certain specified classes of persons and also other classes of persons to whom certificates of exemption may be granted by the Secretary for Agriculture; and that under Regulation No. 4 such certificates of exemption may be cancelled by the Secretary for Agriculture without reason assigned.

3. The Government of India have observed that the Regulations might be so administered as to impose disabilities on Indians lawfully domiciled in Queensland, and they have represented that it would be in accordance with resolution No. IX of the Conference of Prime Ministers, 1921, regarding the position of British Indians in the Empire, if the Government of Queensland could see their way to add to the exemptions contained in Regulation No. 1 an express exemption of all British subjects of Indian race lawfully domiciled in Queensland.

4. The Government of India further state that they are encouraged to hope that your Ministers may accept this proposal, in view of the facts that the Act aims at the competition of Chinese growers, that the number of Indian labourers in Queensland is small, and that the danger of any increase is prevented by the immigration legislation of Australia.

I have, &c.,
WINSTON S. CHURCHILL.

35859

No. 35.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 24th July, 1922.)

(No. 15.)

Sir,

Government House, Brisbane, 15th June, 1922.

I HAVE the honour to report that Ministers have accepted the proposal contained in paragraph 3 of your despatch, No. 35, dated the 16th March, 1922,† to add to the exemptions embodied in No. 1 of the Regulations made under "the Banana Industry Preservation Act of 1921," an exemption of all British subjects of Indian race lawfully domiciled in Queensland when the Act was passed.

I have, &c.,
MATTHEW NATHAN,

* Nos. 53 and 54 in Dominions No. 74. † No. 34.

38529

No. 36.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 5th August, 1922.)

(No. 18.)

Sir,

Government House, Brisbane, 30th June, 1922.

IN continuation of my despatch No. 15 of the 15th June, 1922,* I have the honour to enclose for your information an extract from the Government Gazette of the 24th instant, altering the regulations made under "The Banana Industry Preservation Act of 1921," to exempt from the operation of the Act, British subjects of any native race of India who were lawfully domiciled in Queensland at the commencement of the Act, and will continuously remain so domiciled.

2. I have not sent a copy of this despatch to His Excellency the Governor-General.

I have, &c.,
MATTHEW NATHAN,
Governor.

Enclosure in No. 36.

EXTRACT FROM GOVERNMENT GAZETTE, DATED 24TH JUNE, 1922.

Department of Agriculture and Stock,
Brisbane, 22nd June, 1922.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following alteration in the Regulations made under "The Banana Industry Preservation Act of 1921."

W. N. GILLIES.

Regulation 1 is hereby altered by the insertion, after item 2 thereof, of the following:—

2a. All persons, being British subjects of any native race of India, who were lawfully domiciled in Queensland at the commencement of the Act, and who have continuously remained so domiciled: Provided always that any such person who ceases to be lawfully domiciled in Queensland shall thereupon cease to be a person so exempted as aforesaid.

(c) Correspondence regarding position of Indians in New Guinea.

61067

No. 37.

COLONIAL OFFICE TO INDIA OFFICE.

[Answered by No. 38.]

Sir,

Downing Street, 9th February, 1922.

WITH reference to your letter of the 8th December† regarding the position of British Indians in the mandated Territory of New Guinea, I am directed by Mr. Secretary Churchill to request you to inform Mr. Secretary Montagu that the Commonwealth of Australia Immigration Act, 1901-1920 was applied to New Guinea under the First Schedule of the Laws Repeal and Adopting Ordinance, 1921. A copy of this Ordinance, which took effect from the 9th May, 1921, is enclosed.‡

2. Immigration into Papua is governed by the Immigration Restriction Ordinance of 1907. It is regretted that no spare copy of this Ordinance is available in this Department, but I am to enclose a volume containing the Ordinance in question, which, it is requested, may be returned after perusal.

3. Mr. Churchill is prepared to send to the Commonwealth Government a copy of the letter of the 10th November§ from the Indian Government, with a copy of the Indian Emigration Bill, unless Mr. Montagu thinks that the terms of that letter are affected by the fact that the Australian Immigration Laws have been applied to New Guinea.

* No. 35. † No. 144 in Dominions No. 74. ‡ Not printed. § Enclosure in No. 144 in Dominions No. 74.

4. It would be mentioned to the Governor-General of the Commonwealth that the Secretary of State for India has been informed that the Australian Immigration Laws were applied to New Guinea with effect from the 9th May last, under the Laws Repeal and Adopting Ordinance, 1921, and that he has been furnished with copies of that Ordinance and of the Papua Immigration Restriction Ordinance.

I am, &c.,

C. T. DAVIS.

15706

No. 38.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd April, 1922.)

[Answered by No. 39.]

SIR, India Office, Whitehall, London, S.W., 30th March, 1922.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of 9th February,* on the subject of the position of Indians in regard to the mandate territory of New Guinea.

2. He notes that the Commonwealth of Australia Immigration Act, 1901-20, has been applied to New Guinea under the first schedule of the Laws Repeal and Adopting Ordinance, 1921, which was approved by the Governor-General under the powers conferred on him by Section 14 of the New Guinea Act, 1920, and notified in the Commonwealth Gazette of 6th May, 1921, as taking effect from the 9th May, 1921.

3. The Government of India are being informed of this change in the situation, of which they were ignorant at the time when their letter of 10th November, 1921,† was written. It appears to the Secretary of State in Council, however, that it does not necessarily affect the discussion of the conditions under which Indians, who may desire to enter the territory, may be enabled to do so, and he assumes that this would also be the view of the Australian Government, since the Governor-General's despatch No. 219,‡ which opened the present phase of the discussion, is dated 18th June, 1921, six weeks after the application of the Immigration Act had been notified.

4. It is observed that under Section 4A of the Consolidated Immigration Act, the Commonwealth Government may make an arrangement with the Government of another country for regulating the admission of such country's nationals into the Commonwealth, and that the nationals of a country with which such an arrangement has been made are not required to pass the dictation test imposed by Section 3 (a) of the Act. It is possible that the continuance of the discussion opened by the Commonwealth Government in the Governor-General's despatch above quoted, may result in an agreed arrangement between the Australian and Indian Governments as to the method of regulating Indian immigration into New Guinea.

5. In the despatch, of which a copy is enclosed, the Secretary of State is asking for the views of the Government of India as to the lines on which such an arrangement might be suggested to the Commonwealth Government. It will be observed that the despatch also deals with the question of concluding an arrangement regulating the entry of Indians into the Commonwealth itself. The latter question appears partly to turn on the willingness of the Government of India not to issue passports to Indians who do not give satisfactory evidence of an intention to visit or reside temporarily in one of the capacities specified in Resolution No. XXI of the Imperial Conference of 1918. The Government of India have already issued instructions§ (copy enclosed) that passports should not ordinarily be granted to Indians proceeding to the Dominions who would evidently be excluded under the existing regulations, and the Secretary of State is suggesting for their consideration the issue of definite instructions that passports should invariably be refused in such cases.

6. The Secretary of State in Council anticipates, however, that the Government of India would not acquiesce in a formal policy of exclusion from a mandate territory of all Indians other than those covered by the Resolution of 1918, and would not be willing to enter into any arrangement having this formal effect. They regard the question of Indians in mandate territories in an entirely different light

from that of the question of immigration into the Dominions. It might, however, still be possible to reach an arrangement as regards New Guinea, without formal recognition of the principle of exclusion, especially as one of the governing factors in the situation is that the emigration of unskilled labour to New Guinea will be prohibited under the Indian Emigration Act.

7. Pending receipt of the Government of India's views as to the definite negotiation of arrangements (both in regard to New Guinea and in regard to the Commonwealth) that could be notified under Section 4A of the Act, the Secretary of State in Council would suggest, for Mr. Secretary Churchill's consideration, that a reply should be returned to the Governor-General's despatch No. 219, dated 18th June, 1921, in the following sense:—

After an expression of the thanks of the Government of India in the terms indicated in the first paragraph of their letter of 10th November, 1921, it might be stated that the Government of India deprecate any formal acceptance of a policy of general exclusion of Indians from a mandate territory, and that their attitude is based on the following reason: firstly, they would not be able to justify in India a departure from the principle of the freedom of nationals of Members of the League to enter territory placed under the League's mandate; such a step would give grounds for a complaint that the position of Indians in mandate territories is, at least theoretically, worse than it was under the German Government; secondly, while agreeing that the welfare of the native inhabitants of the territory must be the first care of mandators, any danger on this score from the competition of Indian labour may be ruled out as non-existent, since there are no Indians at present in New Guinea, nor any reason to suppose that Indian workers, whether skilled or unskilled, are likely to desire to enter and settle in the country; indeed, the emigration of unskilled labour from India overseas will be prohibited under Clause 10 of the Indian Emigration Bill (which is expected to pass into law during the present session of the Indian Legislature) except to such countries as may be notified, and the Government of India have no present intention of notifying New Guinea as a country to which the emigration of unskilled labour will be lawful, and are prepared to engage that they will not at any future date do so without previously consulting the Commonwealth Government. In practice, therefore, the only Indians (if any) to whom passports for New Guinea are likely to be granted in India would be merchants, students and tourists desiring to pay temporary visits. It might be suggested that if it is found at any future time that Indians other than visitors and temporary residents of these classes are in fact obtaining entry into the territory, it will be open to the Commonwealth Government to review the position; but for the reason of principle indicated above the Government of India are unwilling to accept beforehand a formal limitation of the opportunity of entering the mandate territory to those classes.

8. A further copy of the Indian Emigration Bill (which it is suggested might be communicated to the Government of Australia) is enclosed for ease of reference.*

I am, &c.,

M. C. SETON.

Enclosure in No. 38.

(Overseas, No. 10.)

MY LORD,

India Office, London, 30th March, 1922.

WITH reference to my Overseas despatch No. 19 dated 22nd December, 1921,

Question of negotiating an arrangement as to entry of Indians into New Guinea. Question of a similar arrangement as regards entry into Australia, and of regulating issue of passports to Indians proceeding to the Dominions.

on the subject of the position of Indians in regard to the mandate territory of New Guinea, I transmit, for the information of Your Excellency's Government, copy of a letter, dated 9th February, 1922, received from the Colonial Office. It will be observed

that in this letter the Colonial Office have brought to notice that the Commonwealth of Australia Immigration Act, 1901-20, has already been applied to New Guinea, and suggest that this fact may affect the terms of the communication to be made to the Australian Government in reply to the Governor-General's despatch of 18th June, 1921.

* Not printed.

* No. 37. † Enclosure in No. 144 in Dominions No. 74. ‡ No. 141 in Dominions No. 74.

§ Not printed.

2. In the circumstances I have thought it best to suggest that a communication should be made to the Commonwealth Government in the sense indicated in the letter to the Colonial Office of which copy is enclosed. As stated, however, in that letter it does not appear to me that the application of the Commonwealth Immigration Act to New Guinea necessarily puts an end to discussion on the question of the rights of Indians to enter and reside in that territory. It may be possible to arrive at an arrangement (of the kind contemplated by section 4A of the Immigration Act) such as would not necessarily involve a formal policy of general exclusion of Indians from the mandate territory.

3. Your Excellency's Government would decline to enter into an arrangement in regard to New Guinea providing for the refusal of Indian passports to persons other than visitors and temporary residents in the capacity of merchants, students, or tourists, and their wives, even though it may be improbable that any Indians desiring to enter the territory would wish to pay more than a temporary visit. At the same time, the discussion of the subject that has already taken place indicates that, for practical purposes, there is no great difference between the points of view of Your Excellency's Government and the Commonwealth Government; and it is possible that an arrangement might be reached under which it would be understood that the dictation test should not be imposed on Indians desiring to enter New Guinea who hold Indian passports, that the issue of such passports for New Guinea should not, as a matter of formal policy, be confined to visitors in the capacities specified by the Immigration Reciprocity Resolution, that the Commonwealth Government, if they found that Indians in other capacities were as a fact entering the territory, would be free at any time to review and (if they thought it necessary) to cancel the arrangement, and that the emigration of unskilled labour from India to New Guinea is, in any case, unlawful, and will not be made lawful by the Government of India without the consent of the Commonwealth Government. These suggestions are similar to those that have already been put to the Colonial Office, but it has not yet been suggested that they should be embodied in a formal arrangement. If Your Excellency's Government concurs, I will now ask the Colonial Office to inquire whether the Commonwealth Government, if they consider the suggested solution adequate, will consent to notify an arrangement on these lines. It is possible that it might render them more willing to do so if Your Excellency's Government could accept a further condition that passports for New Guinea would not be granted to persons outside the specified categories of visitors, etc., except after consultation with the Government of Australia. I shall be glad to learn whether Your Excellency's Government concurs in my proposal with or without the suggested further condition.

4. I wish to take this opportunity of addressing Your Excellency's Government on the wider question of negotiating with the Commonwealth Government an agreement which they could notify under Section 4A of the Act in regard to the entry of Indians into Australia itself. A satisfactory machinery has already been devised for regulating the admission of the wives and families of domiciled Indians, but there is no similar mechanism in existence for ensuring facilities for Indian visitors and intending temporary residents. Such Indians, on arrival in Australia, presumably succeed in obtaining certificates of exemption, but they may be put to inconvenience in awaiting preliminary inquiry by the immigration authorities unless such certificates are immediately granted on the faith of the passports issued in India. It appears to me desirable that the Australian authorities should be enabled to act in the assurance that the holder of a passport is entitled to enter the country under the terms of the Immigration Reciprocity Resolution of the Imperial Conference, 1918. The acceptance of that Resolution by Australia seems to me to involve an obligation upon the Government of India to withhold passports valid for Australia from Indians other than those who are covered by the Resolution. The Resolution states that the "right of visit or temporary residence shall in each individual case be embodied in a passport or written permit issued by the country of domicile, and subject to *visé* there by an officer appointed by, and acting on behalf of, the country to be visited, if such country so desires." The Australian Government has not desired that the passports of Indians visiting Australia should be *visé* by an Australian authority in India, and the Indian Government accordingly becomes itself responsible for carrying out this part of the Resolution.

5. I observe from the letter No. 221 (Emigration) from the Department of Revenue and Agriculture, dated 1st December, 1921, that orders were issued on 28th November, 1921, that passports should not ordinarily be issued to Indians

desiring to proceed to certain Dominions who would evidently be excluded under existing regulations, and that in doubtful cases passports need not be refused, but the intending emigrants should be clearly warned of the risk which they incur of being excluded. I suggest that these orders should be made more definite, and that no passport valid for the Dominions other than Newfoundland should be issued unless the issuing authority is satisfied that the applicant is entitled to enter the Dominion to which he desires to proceed. It would be necessary to instruct British passport authorities overseas in a similar sense as regards the issue to Indians of passports valid for those Dominions. A passport could then be regarded by the immigration authorities of those Dominions as a certificate that, in the opinion of the authorities in India, the holder belongs to one of the classes specified by the Resolution of 1918 as entitled to enter that Dominion. On this basis Your Excellency's Government would be in a position to negotiate with the Australian Government an arrangement, which the latter could notify, exempting Indians from the dictation test.

6. It does not seem that an arrangement, by which the grant of passports is thus restricted, would be open to criticism as implying undue acquiescence in the objects of the Dominion immigration regulations. Most countries have, since the War, adopted some measures for controlling immigration, and the regulation of the issue of passports and visas is very widely employed in order to render such control effective. The control of entry into India by sea entirely depends on the assistance of British authorities in the Empire and in foreign countries in withholding passports or visas in accordance with instructions issued at the request of Your Excellency's Government. It does not seem unreasonable that other British Governments should receive reciprocal treatment from the Government of India to assist them in the administration of their immigration regulations; nor does it seem that such assistance could be thought to imply any responsibility for the scope and character of the regulations themselves, while, on the other hand, it will be clearly justified in the interests of the Indian traveller either by facilitating his admission or saving him a fruitless journey.

7. I shall be glad to learn whether Your Excellency's Government concurs in the suggestion contained in paragraph 5 of this despatch, and, if so, whether it is desired that the Commonwealth Government should be approached as to the notification of an arrangement on that basis. That Government might be addressed at the same time in regard to the question of a special arrangement on the subject of entry into New Guinea as proposed in paragraph 3 of this despatch. If my general suggestion is accepted it may facilitate an improvement in the procedure for the admission of Indians into the other Dominions also.

I have, &c.,

PEEL

To

His Excellency the Right Honourable
The Governor-General of India in Council.

15706

No. 39.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 40.]

SIR,

Downing Street, 16th June, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 30th March* on the subject of the admission of Indians into the Commonwealth of Australia and the mandated territory of New Guinea.

2. Mr. Churchill has carefully considered the suggestion made in paragraph 7 of your letter, but he has come to the conclusion that it is preferable to postpone a reply to the Government of the Commonwealth of Australia pending the receipt of the further observations of the Government of India.

I am, &c.,

C. T. DAVIS.

* No. 38.

31676

No. 40.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd July, 1922.)

Sir, India Office, Whitehall, London, S.W., 30th June, 1922.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of 16th June,* on the subject of the position of Indians in regard to the mandate territory of New Guinea.

2. Viscount Peel notes that Mr. Secretary Churchill prefers to postpone a reply to the suggestions contained in the despatch No. 219, dated 18th June, 1921,† from the Governor-General of the Commonwealth of Australia, pending the receipt of the further observations of the Government of India invited in the despatch of 30th March, 1922.‡

3. As Lord Peel anticipates that the Government of India's reply to this despatch may not be received for a considerable time, he would suggest for Mr. Churchill's consideration, that an interim acknowledgment might be sent to the Government of Australia, stating that the Government of India, pending further consideration of the question, have desired to express their thanks to the Commonwealth Government for the interest which they are taking in the matter and for the assurance that they will find no difficulty in principle in securing to those classes of British Indian subjects, who are likely to come to the territory, substantially the same rights, both as to entry and residence, as will be enjoyed by other British subjects.

4. It will be remembered that in their letter dated 10th November, 1921, copy of which was enclosed with the letter from this Office dated 8th December, 1921,§ the Government of India requested that an expression of their thanks might be conveyed in these terms to the Government of Australia.

I am, &c.,

L. J. KERSHAW.

31676

No. 41.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 256.)

Mr Lord,

Downing Street, 20th July, 1922.

With reference to Your Excellency's despatch, No. 219 of the 18th of June, 1921,† and to my despatch, No. 357 of the 9th of September,|| on the subject of the position of Indians in regard to the territory of New Guinea, I have the honour to request you to inform your Ministers that the Government of India, pending further consideration of the question, desire to express their thanks to the Commonwealth Government for the interest which they are taking in the matter, and for the assurance that they will find no difficulty in principle in securing to those classes of British Indian subjects, who are likely to come to the territory, substantially the same rights, both as to entry and residence, as will be enjoyed by other British subjects.

I have, &c.,

WINSTON S. CHURCHILL.

IV.—NEW ZEALAND.

Correspondence regarding New Zealand Immigration Restriction Amendment Act, 1920.

8526

No. 42.

INDIA OFFICE to COLONIAL OFFICE.

(Received 22nd February, 1922.)

Sir, India Office, Whitehall, London, S.W., 22nd February, 1922.

With further reference to your letter of 26th October, 1921,¶ I am directed by Mr. Secretary Montagu to transmit, for the information of Mr. Secretary

* No. 39. † No. 141 in Dominions No. 74. ‡ Enclosure in No. 38. § No. 141 in Dominions No. 74. ¶ No. 143 in Dominions No. 74. § 51362: not printed; forwarded copy of No. 72 in Dominions No. 74.

Churchill, copy of a despatch from the Government of India regarding the memorandum of the Acting Prime Minister of New Zealand, dated 5th September, 1921, copy of which was enclosed with Lord Jellicoe's despatch, No. 190, dated 12th September, 1921,* on the subject of the New Zealand Immigration Restriction Amendment Act of 1920.

The Government of India refer in particular to paragraph 5 of that memorandum, in which Sir Francis Bell proposes certain conditions on which the New Zealand Government would be prepared to grant temporary permits to Indian visitors producing passports issued by the authorities in India. As regards the first proposed condition, viz., that only a limited number of such passports, or equivalent documents should be issued in India, the Government of India suggest that a numerical limitation of temporary visitors was not contemplated by the Imperial Reciprocity Resolution of 1918,† and that the New Zealand Government might safely waive this stipulation for the present and address the Government of India again later, if they find any ground for supposing that the concession of temporary permits is being abused. The Government of India are further prepared to restrict the issue of passports to persons who satisfy them that they intend to proceed to New Zealand for the *bona fide* temporary purposes of education, business or pleasure, but point out that it would be impracticable to ascertain whether applicants have already made arrangements to leave New Zealand before issuing passports valid for temporary visits; the Government of India also refer to Sections 8 (5) and 11 of the Act, which appear to provide a remedy in the event of a temporary visitor overstaying his permit. I am to inquire whether the precautions which the Government of India are prepared to adopt before issuing passports may be regarded as sufficiently satisfying condition (b) proposed by Sir Francis Bell.

It will be observed that no difficulty will arise in regard to Sir Francis Bell's further condition that the New Zealand Government should be free to refuse permits to land to Indians suspected of being disaffected or disloyal or likely to cause trouble in respect of other Indians settled in the Dominion; such persons would not receive passports in India.

Mr. Montagu concurs in the observations made by the Government of India, and would be glad if they could be transmitted to the Dominion Government. He desires to associate himself with the expression by the Government of India of their appreciation of the spirit in which the Government of New Zealand have treated the question.

I am, &c.,

J. C. WALTON.

Enclosure in No. 42.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration.)

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

His Majesty's Secretary of State for India.

Sir,

Delhi, the 26th January, 1922.

WE have the honour to acknowledge the receipt of your despatch No. 15 Overseas, dated the 17th November, 1921, forwarding a copy of correspondence with the Colonial Office regarding the New Zealand Immigration Restriction Amendment Act, 1920.

2. We are greatly obliged to the Government of New Zealand for the explanation of the objects of the Act which is contained in Sir Francis Bell's memorandum, dated the 5th September, 1921. We also appreciate the assurance given by that Government that where a temporary permit is granted for an educational or any special purpose it will be extended from time to time to enable the fulfilment of the purpose, subject to the continuing good conduct of the grantee.

3. We observe from paragraph 5 of the memorandum that the Government of New Zealand are prepared, as desired in paragraph 5 of our despatch No. 20, dated the 26th May, 1921, to grant temporary permits under Section 8 of the Act to an Indian subject producing a passport or written permit issued by the Indian Government in pursuance of the Reciprocity Resolution of 1918, subject to certain conditions. The first condition is that the Government of India will issue

* No. 72 in Dominions No. 74. † Resolution XXI, page XVI in Dominions No. 69.

only a limited number of such permits or passports in any year. We are aware of the anxiety of the New Zealand Government to prevent the country from being flooded by Asiatic immigrants, but would invite a reference to the remark made by Mr. Massey at the Imperial Conference of 1918, when he stated that there were very few Indians in the country and that, so far as he was aware, the people of India have never shown any tendency to emigrate to the Dominion. This was the case when the restrictions contained in the Immigration Act were less severe than those in the new Act and, so far as we are in a position to judge the present temper of the class of Indians likely to seek temporary admission, it is unlikely that they will apply in greater numbers than heretofore for permission to enter New Zealand. The Government of India do not know how many Indians have entered New Zealand temporarily during recent years for purposes of business, pleasure or health, nor what number approximately is indicated by Sir Francis Bell in his use of the term "a limited number." The proposed condition appears to be hardly consistent with a strict interpretation of the terms of clause 2 of the Reciprocity Resolution of 1918. We would, therefore, suggest that the stipulation may be waived for the present and that the New Zealand Government should address us again separately if they find any grounds for supposing that the concession is being abused.

4. The second condition which the New Zealand Government desire to impose is that the Government of India will issue passports to persons who, to their knowledge, have already arranged to leave New Zealand after a temporary visit. We are prepared to restrict the issue of passports to persons who satisfy us that they intend to proceed to New Zealand *bona fide* for the temporary purpose of education, business or pleasure. But it would be hardly practicable for us to ascertain whether before the issue of a passport the applicant had already arranged to leave New Zealand. We are of opinion that, since Sections 8 (5) and 11 of the Immigration Restriction Act, 1920, render visitors unlawfully prolonging their stay in New Zealand liable to fine or imprisonment and deportation, a sufficient remedy already exists against temporary permit holders remaining longer in the country than is allowed in the permit and we suggest that the stipulation proposed by the Dominion Government is, therefore, unnecessary.

5. The New Zealand Government propose a further condition, viz., that they may refuse to grant a permit to land to any Indian whom they have reason to suspect to be disaffected or disloyal or likely to cause trouble in respect of other Indians settled in New Zealand. With regard to this proposal, we may mention that under our existing orders passports are not issued to revolutionaries or to persons who are regarded as likely to cause disorder or ferment. We have, therefore, no objection to this condition.

6. In view of the sympathetic consideration which has been given by the New Zealand Government to our despatch of the 26th May, 1921, we regret that we should have found ourselves unable to accept their suggestions without reservation. We hope, however, that, for the reasons stated by us in paragraphs 3 and 4 above, that Government will agree with us that the first two conditions proposed in paragraph 3 of Sir Francis Bell's memorandum may safely be dropped. We may add that the Commonwealth of Australia, into which Indian immigration is probably greater than into New Zealand, have not thought it necessary to press for any restrictions of this kind.

We have, &c.,

READING,
RAWLINSON,
W. H. VINCENT,
M. M. SHAPE,
W. M. HAILEY,
B. N. SARMA,
T. B. SAPRU,
C. A. INNES.

8526

No. 43.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 44.]

(No. 58.)

MY LORD,

Downing Street, 20th March, 1922.

WITH reference to my despatch No. 224 of the 15th of November, 1921,* I have the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a despatch† from the Government of India regarding the conditions on which your Government would be prepared to grant temporary permits of entry to Indians.

2. The despatch is forwarded at the request of the Secretary of State for India, who concurs in the views expressed, and desires to associate himself with the expression by the Government of India of their appreciation of the spirit in which your Government have treated the question.

I have, &c.,

WINSTON S. CHURCHILL.

30547

No. 44.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th June, 1922.)

[Answered by No. 46.]

(No. 130.)

SIR,

Government House, Wellington, 19th May, 1922.

I HAVE the honour to acknowledge the receipt of your despatch, No. 58, of the 20th March,‡ transmitting a copy of a despatch from the Government of India regarding the conditions on which the Government of New Zealand would be prepared to grant temporary permits of entry to Indians.

2. My Ministers advise me that they have no objection to offer to the suggestion contained in paragraph 3 of the enclosure to your despatch, that the stipulation regarding the number of permits or passports to be issued by the Government of India under the Reciprocity Resolution of 1918 should be withdrawn for the present.

3. With regard to paragraph 4 of the letter from the Government of India, it will be satisfactory to my Government if the issue of passports by the Indian Government is restricted to persons with respect to whom it is satisfied that they intend to proceed to New Zealand *bona fide* for the temporary purpose of education, business or pleasure, but not for labour purposes or with a view to permanent settlement.

I have, &c.,

JELLICOE,
Governor-General.

50918

No. 45.

INDIA OFFICE to COLONIAL OFFICE.

(Received 13th October, 1922.)

SIR,

India Office, Whitehall, London, S.W.1, 12th October, 1922.

WITH reference to correspondence ending with your letter of 18th July, 1922,§ regarding the application to Indians of certain provisions of the New Zealand Immigration Restriction Amendment Act, 1920, I am directed by the Secretary of State for India to transmit for the information of the Secretary of State for the Colonies, copy of a letter from the Government of India, and of its enclosures, on this subject.

I am, &c.,

J. C. WALTON,
Assistant Secretary,
Industries and Overseas Department.

* No. 74 in Dominions No. 74.

† Enclosure in No. 42.

‡ No. 43.

§ 30547: not printed;

forwarded copy of No. 44.

Enclosure in No. 45
No. 266.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.
(Emigration).

Simla, the 21st September, 1922.

New Zealand Immigration Restriction Amendment Act of 1920.

Sir,

With reference to the despatch from the Right Honourable the Secretary of State for India, No. 29, Overseas, dated the 10th August, 1922, I am directed to forward, for information, a copy of a letter addressed to all local Governments and Administrations, No. 482-R.A., dated the 14th September, 1922, communicating the further concessions made by the Government of New Zealand under the Immigration Restriction Amendment Act of 1920.

2. I am to add, with reference to paragraph 6 of Sir Francis Bell's memorandum, dated the 5th September, 1921, a copy of which was forwarded with Mr. Montagu's despatch, No. 18, Overseas, dated 17th November, 1921, that the Government of India await the decision of the Dominion Government with regard to the period of validity of certificates of registration obtained by former residents of New Zealand before their departure from the Colony.

I have, &c.,

R. EWBANK,
Deputy Secretary.

His Majesty's Under Secretary of State for India,
Industries and Overseas Department,
India Office, London.

CIRCULAR LETTER, No. 482 R.A., DATED THE 14TH SEPTEMBER, 1922, FROM THE DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF REVENUE AND AGRICULTURE, TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

I AM directed to refer to my letter, No. 1166-S., dated the 23rd June, 1921, describing the principal provisions of the New Zealand Immigration Restriction Amendment Act, 1920, and to Mr. Hullah's letter, No. 232, dated the 26th November, 1921, regarding the issue of passports to certain Dominions and Colonies.

2. I am to state that the Government of New Zealand have now given an assurance that temporary permits granted by an officer of Customs, under section 8 of the Act, will be extended, from time to time, to enable the fulfilment of the special purpose, educational or other, for which they are granted, subject to the continuing good conduct of the grantee. They have also agreed to grant, as a matter of course, a temporary permit to any Indian subject producing a passport or written permit issued by the Indian Government under clause 2 (b) of the Reciprocity Resolution, 1918. But they have stipulated that a passport or written permit issued by a local Government or Administration should be restricted to persons in respect of whom passport-issuing officers are satisfied that they intend to proceed to New Zealand *bona fide* for the temporary purpose of education, business or pleasure, but not for labour purposes or with a view to permanent settlement.

3. I am to request that passport-issuing officers may be informed that endorsement for New Zealand may now be granted to the following classes of persons desiring to proceed there

(a) Holders of permits issued by the New Zealand Government under Section 5 or 8 of the Immigration Restriction Amendment Act, 1920.

(b) Wives, families and servants included in such permits.

(c) Visitors only, for the purpose of business, pleasure or health, and the wives, families and servants of such persons.

(d) Former residents who are in possession of unexpired certificates of registration obtained before their departure from the Colony.

(e) Persons who are certified by the Chief Presidency Magistrate in a Presidency Town, the Political Officer in an Indian State, or the District Magistrates elsewhere to be the wife and children of Indians domiciled in the Colony, or produce proof of a permanent monogamous marriage, and who hold a permit issued in New Zealand authorizing the husbands or fathers of such persons to bring in wife and children.

The status as defined above of the persons to whom a passport is issued should be clearly stated in it, and the stipulation of the New Zealand Government should be carefully borne in mind by the passport issuing officers.

50918

No. 46.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 47.]

(No. 231.)

MY LORD,

Downing Street, 2nd November, 1922.

With reference to Your Excellency's despatch, No. 130 of the 19th of May,* I have the honour to transmit to you, to be laid before your Ministers, the accompanying copy of a letter† from the Government of India, enclosing a circular letter addressed to the local Governments and Administrations regarding the issue of passports to Indians who desire to proceed to New Zealand.

I have, &c.,

DEVONSHIRE.

15830

No. 47.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28th March, 1923.)

(No. 35.)

MY LORD DUKE,

Government House, Wellington, 9th February, 1923.

With reference to your despatch, No. 231, of the 2nd November,‡ regarding the issue of passports to Indians who desire to proceed to New Zealand, I have the honour to inform Your Grace that my Ministers inform me that the Government of New Zealand is prepared to give sympathetic consideration to every application to return to New Zealand made by Indians who find it necessary to overstay the period of four years provided for in the usual certificate of registration, and that in any case where there is reason to suppose that hardship might be inflicted through a strict limitation of the period of absence to four years, reasonable extension of time, dependent on the circumstances of the case, will be granted, and that in connexion with this matter a certificate from the Department of Commerce of India, or from any passport-issuing officer, would be regarded as sufficient evidence of the *bona fides* of any application.

I have, &c.,

JELICOE,
Governor-General.

V.—UNION OF SOUTH AFRICA.

(a) Correspondence relating to report of Asiatic Inquiry Commission and Class Areas Bill.

5270

No. 48.

INDIA OFFICE to COLONIAL OFFICE.

(Received 2nd February, 1922.)

[Answered by No. 53.]

SIR, India Office, Whitehall, London, S.W.1., 2nd February, 1922.
 WITH reference to correspondence ending with your letter of 1st December, 1921,* I am directed by Mr. Secretary Montagu to transmit, for the information of Mr. Secretary Churchill, copy of the despatch which the Government of India have addressed to the Governor-General of the Union of South Africa on the subject of the Report of the Asiatic Inquiry Commission.

I am, &c.,
 J. C. WALTON.

Enclosure in No. 48.

No. 307 R.A. of 1921.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration.)

To

HIS ROYAL HIGHNESS PRINCE ARTHUR OF CONNAUGHT, K.G., K.T., G.C.M.G.,
 G.C.V.O., C.B., A.-D.-C.,
Governor-General of the Union of South Africa.

YOUR ROYAL HIGHNESS,

Delhi, the 19th/27th December, 1921.

IN accordance with instructions received by us from the Secretary of State for India, we have the honour to address your Government on the subject of the Report of the Asiatic Inquiry Commission. We were informed in Your Royal Highness's letter No. 15-1062, dated 7th April, 1921, that the Union Government had decided to postpone legislation on this subject until the next session of Parliament. This delay has afforded us an opportunity to make a careful examination of the Report of the Commission and to formulate our views on its leading recommendations. As Sir Benjamin Robertson pointed out to the Commission, the Government of India have always felt a peculiar responsibility for the welfare of Indians in South Africa. Apart from the general interest which the Government of every country naturally takes in the condition of its nationals and former nationals overseas, they cannot but acknowledge special obligations to a community whose very existence originated in an organized system of recruitment to which they were in the past a consenting party. So long as Indians domiciled in South Africa do not enjoy the full parliamentary and municipal franchise throughout the Union, and are not in a position to secure a remedy for their grievances by the exercise of their votes in a constitutional manner, this Government cannot divest itself of a large measure of responsibility on their behalf. We trust, therefore, that the Union Government will acknowledge our right to be heard in connexion with any legislation likely to affect materially the rights and status of Indians, and that we may assume that our views and representations will receive sympathetic and careful consideration at their hands.

2. We recognize that the Commission, in dealing with the intricate and contentious points referred to them for report, have been animated by a genuine desire to improve the position of Indians in South Africa, and have placed on permanent record a statement of the Indian case that is on the whole fair and just. By the statistics which their investigations have elicited, the hollowness of the agitation against the so-called Asiatic menace has been exposed, and the problem has been pre-

* 52740; not printed; forwarded copy of No. 101 in Dominions No. 74.

sented in its true perspective. But when we come to examine their recommendations, we feel bound to say that they do not in all cases appear to us to follow logically from their findings. Other considerations than those set out in the Report seem to have been taken into account. In particular, the recommendations of the Commission regarding voluntary segregation and discrimination against Indians in the matter of the ownership of land proceed on an assumption of the innate inferiority of the Indian as such, or at least of the inability of the Indian to adapt himself to the standards of life and conduct obtaining in the Union, which we cannot allow to pass unchallenged. Our general position is already well known to the Union Government. We consider that Indians lawfully domiciled in any dominion within the British Empire are entitled to the full rights and status of British citizens, and we cannot admit that sufficient justification has been shown for imposing any political, social or economic disabilities on Indians as such. At the recent Imperial Conference this claim was admitted by representatives of every portion of the British Empire except the Union of South Africa. The refusal of the latter to accept the resolution moved by the representatives of India has aroused, as was shown by a recent debate in the Council of State, widespread indignation in this country. We are not without hope, however, that developments in South Africa will make it possible for the Government to modify their present attitude. Sir Benjamin Robertson, speaking after careful local inquiry, has maintained that some of the Colonial-born Indians of the second and third generation, even with the limited opportunities now open to them, are already comparatively Westernized, and we see no reason why this process should not continue and accelerate as time goes on. In our view, the only policy which holds out any prospect of settling the Indian problem in South Africa on a permanent basis is one that aims at merging the Indian community in the general body of citizens on an equal footing, and at transforming it from a body of discontented aliens, embittered by a sense of being treated as an inferior race, into loyal and contented members of the body politic. This policy has been followed in the Cape Province, where Asiatics possess both the parliamentary and municipal franchise and are on a footing of legal equality with Europeans in respect both of the ownership of land and of trading rights. The comparative absence of any serious Indian question in the Province seems to us the strongest possible argument in favour of the policy which we advocate.

3. From this point of view we cannot but regard many of the recommendations of the Commission as profoundly unsatisfactory, and we do not consider that they offer any reasonable prospect of a permanent solution of the questions with which they deal. We are, however, aware of the practical difficulties with which any Government in South Africa that attempted to give immediate effect to the policy which we have indicated would be confronted. If we do not deal in detail with certain important sections of the Commission's Report, it is because we recognize this fact and wish to confine our observations as far as possible to those points which seem to offer some immediate prospect of a final and statesmanlike settlement of the questions at issue. Before, however, coming to the Report itself, there are certain preliminary considerations to which we would take the opportunity of referring. In the first place, we doubt whether sufficient emphasis has been laid on the relative insignificance of the Asiatic population in South Africa. The figures of the latest census are not available to us, but the following figures for 1911 sufficiently illustrate our point:—

Bantu	...	...	...	...	...	...	4,019,006
White population	...	...	...	...	...	...	1,276,242
Asiatics	...	...	...	...	...	...	152,309
Other races	...	...	...	...	...	...	525,837

It seems to us inconceivable that when the problem is realized in its true proportions, the comparatively small Asiatic population can be seriously regarded as a possible danger to the whole community and a menace to its institutions and ideals. On the contrary, we would suggest that the exclusion of the Indian population from some of the ordinary rights and duties of citizenship is far more likely to prove a source of weakness to the Union than their legitimate competition with other classes of citizens in the economic sphere. The feeling aroused in this country by the subjection of Indians in other parts of the Empire to special disabilities is so strong that it is bound to react on Imperial relations in times of difficulty. If more friendly feelings based on mutual goodwill subsisted between India and South Africa, they could not fail to strengthen the mutual defensive position of both countries and to facilitate their co-operation in the settlement of those wider questions of Imperial policy in which both countries have a common interest.

4. There is another preliminary point to which we desire to refer. We have stated that, in our view, the only hopeful policy is one that aims at merging the Indian community in the general body of citizens on an equal footing. The terms of reference to the Commission did not empower them to take up the question of improving the general, social and economic condition of the Indian community and of suggesting measures to this end. Had they been able to do so, we feel confident that their recommendations on many points would have been very different from those actually made. In our opinion, this question lies at the root of the whole Indian problem, and unless it is faced as a preliminary issue, any action that may be taken to remove or mitigate grievances, which are merely results of the comparative ignorance and backwardness of certain sections of the Indians, will have only a partial and temporary success. Our first suggestion, therefore, is that steps should be taken to elevate the social and educational condition of the more backward classes of Indians in the Union. So long as the standard of living among these classes, specially in Natal, remains low, the antagonism between the two races is likely to persist. It is only as they are enabled to approximate more closely to Western standards that more friendly relations can gradually be established. In paragraphs 75 to 80 of his statement before the Commission, Sir Benjamin Robertson has suggested several methods of attaining this object, and these suggestions we would commend to the earnest consideration of your Government. The first need is, in our opinion, improved education. Primary education should be compulsory for Indian boys as it is for White children, and the present admittedly inadequate facilities for the education of Indians should be supplemented and extended. Wealthy Indians should be encouraged to found institutions for higher education. The spread of education among Indian girls should be stimulated, and facilities should be afforded for technical and agricultural training. A strong argument in favour of these suggestions may be found in the fact that the scale of wages now paid to Indians is frequently unfair, not only to them but also to the White wage-earners with whom in certain spheres they may be said to compete. For the reasons explained by the Commission in paragraph 212 of their Report, the adoption of the legal minimum wage is not likely to prove a satisfactory remedy, but it seems to us obvious that if the spread of education is actively promoted among Indians, their standard of living, and as a consequence their scale of wages, must inevitably rise. If we can be of any assistance to your Government in giving effect to these proposals, either by lending an officer with special experience of primary education in India or otherwise, they may certainly count on our cordial co-operation. Welfare work in the form of night schools, reading rooms, organized games and classes on domestic hygiene would no doubt conduce to the same end. The success of measures of this kind must of course depend largely on the co-operation of Indians themselves, but this, in our opinion, is more likely to be forthcoming if they find that the initiative is being taken by the authorities in a sympathetic spirit. Finally, we agree with Sir Benjamin Robertson that a more strict enforcement of the sanitary and industrial laws, which should be based on the White standard of living, would have an excellent effect in enabling certain classes of Indians to abandon the degrading conditions of life in which they are often compelled to live, provided always that the means to live decently are not denied them. We lay the greatest stress on these suggestions because we feel that only by action on these or similar lines can the present estrangement between the White and Indian communities be bridged over, and the foundations laid of a spirit of mutual respect and understanding, in the absence of which there is little chance of the more backward portion of the Indian community rising in any real sense to a footing of equality with other classes of citizens in the Union.

5. With these general observations on the Indian question in its broader aspects, we turn now to the consideration of the concrete proposals put forward by the Commission. The rights of Indians regarding the ownership of land are at present unrestricted in the Cape and Natal Provinces. In the Transvaal, the ownership and acquisition of immovable property by Asiatics is prohibited by law except in certain specified locations, and subject to safeguards for certain existing rights as summarized in paragraph 92 of the Commission's Report. In the Orange Free State, Indians cannot own land and are debarred from entering the Province. Except in Natal, the Commission recommends the maintenance of the *status quo*, and if their recommendations on this subject are accepted, we assume that no alteration in the existing laws is contemplated at present. We are far from satisfied with the present position, and we question whether it can possibly be reconciled with the undertakings that have been given from time to time by the Union Government as summarized in

paragraphs 8 to 15 of Sir Benjamin Robertson's statement. When we agreed in 1906, for instance, to the exclusion of Indians from the Transvaal, we understood that the Indians in the Colony were in return to receive fair treatment. By this we understood complete equality before the law. It was on a similar understanding that we agreed to other restrictions on Indian immigration ranging from the Natal Immigration Restriction Act, 1897, to the Reciprocity Resolution of 1918. We must confess that our hopes have not been realized. We do not propose to pursue this subject further at the present time, but will content ourselves with correcting a misstatement which has found place in paragraph 198 of the Report of the Commission. They have there stated that they were informed by Sir Benjamin Robertson that neither the Imperial Government nor the Government of India is now prepared to press for the repeal of Transvaal Law 3 of 1885, which prohibits the ownership of land by Asiatics except in certain special places set apart for them. This statement must, we think, have been made under a misapprehension. What Sir Benjamin said in his written statement was that "The difficulty of amending Law No. 3 of 1885 or the Gold Law in the present state of public opinion is recognized." But he also quite correctly affirmed that the views of the Government of India on this subject are still those contained in the memorandum which was laid before the Imperial Conference of 1918: "The prohibition against Indian ownership of fixed or landed property should be repealed by Parliament on the grounds that it tends to foster insincerity on all sides, to deprive Indians of some of the elementary rights and responsibilities of citizenship, which are not denied even to the aboriginal natives and other non-Asiatic coloured peoples of the Province, and which are possessed by their compatriots in the Coast Province. . . . Such a statute as Law 3 of 1885 is an anachronism and opposed to the spirit of modern legislation." The Government of India still adhere to this view, and hope that the Union Government will repeal all those laws which prohibit or restrict the rights of Indians to acquire or own immovable property in any part of the Union.

6. In Natal the Commissioners propose, Mr. Duncan Baxter dissenting, that the right of Indians to acquire and own land for farming and agricultural purposes outside townships should be confined to the coast belt. We have already lodged our protest against this new discrimination. The objections to such a restriction of elementary economic freedom have been forcibly put by Mr. Baxter, with whom we are in complete agreement, in his published reservation to the Report. It appears to be common ground that Indians have not sought to acquire land in the uplands, and that the conditions there are not suited to their methods of agriculture. Indian agriculturists will of their own accord be found collected in the coast belt, especially if land is made available to them there on a reasonable tenure. The object of the Commission in proposing this restriction was to allay the strong feeling on the subject which is said to exist among the farming population of the inland districts. Our contention, however, is that Indians have not in fact displayed any desire to exercise their right to acquire land in the uplands, and that it would be most inadvisable, in order to meet a purely sentimental aspiration on the part of the White farmers, to introduce a new restriction on the rights now enjoyed by Indians, which will certainly be hotly resented both on account of the racial stigma which a legal disability implies, and in the case of ex-indentured Indians and their descendants, on account of the breach in the conditions on which they were recruited, involved in such a measure. The Commission themselves have observed that "no man is more easily influenced than the average Indian; if fairly treated, he is easily led; but he will submit to anything rather than force; he does not like to be driven, and any sort of compulsion makes him a martyr." We endorse this view, and would deprecate any action that might tend to give rise to opposition and agitation among the Indian community. In our opinion, a sympathetic policy of attracting Indians to the coast belt and affording them in that area, as Mr. Baxter suggests, "good treatment and security of tenure" would, while upholding and maintaining the principle of equality, achieve the desired object without difficulty or friction.

7. We are glad to see that the Commission have rejected categorically the proposals for the compulsory segregation of Asiatics, which were pressed on them by many witnesses. They have, however, so far yielded to the general opinion prevailing among the White community as to advocate a system of voluntary segregation. Their proposals are that municipalities in the Transvaal and Natal should be empowered to move a Special Board of three or more members, appointed by the Administrator of the Province, to allocate within any town separate residential areas for Asiatics in which they would not be compelled to reside but to which they should be gradually attracted, and particular streets as trading quarters for Asiatics,

to which existing licence-holders elsewhere might be induced to remove voluntarily, and outside which no new licences to trade would be granted to Asiatics. The Government of India would welcome any measures designed to facilitate the acquisition of building sites by Indians in suitable areas, provided that their rights of living and trading elsewhere are in no way restricted and that steps are taken to compel all municipalities to see that the sanitary conditions, so scathingly depicted by the Commission in paragraphs 121 to 123 of their Report, are not reproduced on a larger scale elsewhere. We must, however, confess to grave fears lest, when once separate areas have been demarcated, some municipal authorities may be tempted to use their powers to force Asiatics into these quarters against their will. As we have already said, the most hopeful line of advance seems to us to be one which aims at Westernizing the Asiatic and gradually qualifying him to adopt the same standards and ideals as the other classes of citizens in the Union. Segregation, whether voluntary or compulsory, is the very negation of this policy. On these grounds, we object in the most distinct and emphatic manner to the proposal of the Commission that the policy of commercial segregation should be enforced by the refusal to issue new licences to Indians for trading outside the specified quarters. We will return to this subject later in dealing with the proposed licensing legislation.

8. The portion of the Commission's recommendations which we are able to accept with fewest reservations is that in which they recommend an alteration in the licensing laws and advocate a uniform licence law throughout the Union, or, if that is impracticable, a comprehensive consolidating Act of Parliament applicable to the Cape, Transvaal and Natal Provinces. The law would apply generally to trading licences issued to Europeans and natives as well as to Asiatics, and would aim at removing the anomalies inherent in the present system of provincial legislation. This recommendation we endorse, subject of course to the proviso that the proposed legislation will not substantially weaken any of the safeguards to the trading rights which Indians now enjoy. We accept the main lines of the proposed legislation as sketched out by the Commission in paragraph 205 of their Report, but suggest for consideration a few alterations with regard to the points mentioned in the following paragraphs.

9. In the first place, we attach the utmost importance to the suggestion of the Commission that the licensing authority should not be permitted to withhold a licence arbitrarily or without recording the reason for its refusal and the evidence on which such refusal is based. The grounds on which a licence may be withheld should be specified in the law, which should make it plain that the nationality of the applicant is not in itself a lawful reason for the rejection of his application. The Commission have accepted the three definite grounds for refusal, already prescribed in Transvaal Ordinance No. 9 of 1912. Their proposal extends the power of the licensing authorities in the Transvaal by bringing general dealers' licences under their control, but in view of the safeguards which it provides against the abuse of the wide discretion at present vested in such authorities in the Cape Province and Natal, we support it. Since, however, Indians in the Transvaal do not enjoy even the municipal franchise, we suggest that the provision of the Licences Amendment Ordinance No. 16 of 1920 in the Cape Province, which requires that every application made to the local authority for a certificate for a licence must be granted unless it is opposed by a majority of members present, such majority also forming a majority of the whole number of the members constituting that body, might with advantage be embodied in the new law in cases where applications for licences or appeals come before a licensing body. We also think it very necessary that the New Act should be so drafted as to make it clear that the condition of the issue of a new licence which lays down that the class of business proposed to be carried on must be suited to the locality applied for, shall not be utilized in order to enforce a policy of segregating Indians in separate locations. As the Commissioners themselves remark, indiscriminate segregation of Asiatics in locations, "apart from its injustice and inhumanity, would degrade the Asiatic and react upon the European." Subject to the above remarks, we have no objections to urge against the recommendations of the Commission regarding renewals and transfers of licences and the grounds on which such renewals and transfers may be refused.

10. With regard to the right of appeal, the recommendation of the Commission is that an appeal shall lie from the decision of the licensing body or officer in cases where sanction is refused to the issue of a licence or to the transfer of a licence to another person or to other premises on the ground that the applicant is not a fit and

proper person to hold such a licence or carry on such business, and in all cases where the renewal of an existing licence is refused. This appeal should be to a special Appeal Board, consisting of three persons of independent judgment appointed by the Administrator of the Province, whose decision shall be final. It is, however, understood that the right of appeal to the Supreme Court against the refusal of a licence on grounds which are arbitrary or capricious or outside the statute, will not be modified or withdrawn. The present position is that in the Transvaal when a licence is refused by the Council in cases that fall under section 90 or 91 of the Transvaal Local Government Ordinance 9 of 1912, an appeal against their decision lies to a magistrate. In the Cape Province, there is no appeal from the decision of the local authority, but the Administrator may grant a certificate if he is satisfied that it has been refused on the ground that there are already a sufficient number of general dealers within the particular area. In Natal, a licensing officer has absolute discretion to issue or refuse a licence, but his decision is subject to an appeal to the Town Council or Town Board, if the licence is sought for in a borough or township, and elsewhere to a special Board of three persons appointed by the Administrator. In addition, under Natal Act 22 of 1909, an appeal lies to the Supreme Court or to a Circuit Court in cases where the renewal of an existing dealer's licence has been refused. This appeal was provided under a special agreement with the Indian Government, and we cannot assent to its abolition until the new licensing bill has been passed into law, and we have had an opportunity of judging of its working in regard to Indian traders. We accept the proposals of the Commission as marking a distinct advance on the present position, but would urge that an appeal from the decision of the licensing body or officer should be permitted with regard to the suitability of the premises or class of business in respect of which the licence is applied for as well as on the point mentioned in paragraph 205 (5) (c) of the Report, whether the refusal is in respect of a new licence or of the transfer of an existing licence to another person or to other premises. The Commission hold that these are matters regarding which municipal bodies, as representatives of the public, acting on the advice of their Health officers and other officials, would be the best judges. It does not, however, seem to us sound that a Municipal Council should be able at its discretion to restrict the natural development of trade and commerce. Nor does it seem fair to the applicant that his case, as must often happen, should be adjudicated by his trade rivals. From many cases that have come before the Courts, and indeed on the admission of the Commission itself, it is clear that Municipal Councils do frequently refuse applications from Indians merely because they are Indians, and it is clear that there is a real danger that they may attempt to shelter themselves under the two non-appealable grounds of refusal in cases to which they are not strictly applicable. Since municipalities cannot well be deprived of the control of licences, they might at least be compelled to walk warily by the knowledge that their decision is subject to an appeal to an impartial tribunal. We would, moreover, observe that the argument put forward by the Commission in favour of leaving the final decision on these points to municipalities does not apply to the special licensing officers appointed outside municipal limits in Provinces where Divisional Councils do not exist, and would urge that in their case an appeal should lie in all cases in which an application is refused.

11. The Commission recommend that, except in the case of hawkers' licences, the applicant for a new licence to trade must satisfy the licensing body or officer that he can read or write in one or other of the official languages. They consider that an elementary education test of this kind cannot be regarded as unreasonable, and that as far as Asiatics are concerned, a large proportion of future applications for new licences would probably come from South African-born Indians, who have received a certain amount of education. It is evident that a restriction of this sort will tell heavily against Indian traders, and, in our opinion, the requirements of the case would be sufficiently met if the licensee can prove that he has in his employment a clerk who is competent to maintain his accounts in one of the official languages. As the Commission remark in paragraph 139 of their Report, this is the practice in Natal at present, and we see no reason for altering it. While the educational facilities open to the Indian community are so scanty, we cannot agree that the time has yet come when this new restriction can reasonably be imposed on trading by Indians.

12. Sir Benjamin Robertson very rightly impressed on the Indian community in South Africa that it was their duty to look not to us but to the Government of the country in which they live for redress of their grievances, and to co-operate loyally

with the Union Government in any measures which may be taken for their welfare. The measures which, in our opinion, are most likely to conduce to this end, have already been referred to. He suggested that if the need for a more constructive policy towards Indians were accepted by the Union Government, there would be advantages in entrusting the administration of Asiatic affairs generally to a responsible official in whom the Indian community had confidence. The Commission has approved of this proposal, and has recommended the appointment of an official whose business it should be to secure full statistical information on all matters specially affecting the Indian community, to keep in close touch with them, to see that the laws are applied in a just manner, to give a ready ear to any complaints or grievances, and generally to safeguard their interests. We would regard such an experiment with hopeful interest.

13. Your Royal Highness has already been good enough to undertake to forward to us copies of any Bill dealing with the recommendations of this Commission. We should be grateful if such copies could be furnished to us sufficiently in advance to enable us to communicate our observations on the draft before it is introduced in Parliament.

We have, &c.,
READING.
RAWLINSON.
W. H. VINCENT.
MUHAMMAD SHAFI.
W. M. HAILEY.
B. N. SARMA.
T. B. SAPRU.
C. A. INNES.

7057

No. 49.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th February, 1922.)

(No. 24.)

SIR, Governor-General's Office, Pretoria, 25th January, 1922.
I HAVE the honour to transmit to you herewith the documents mentioned below on the subject of legislation on the Asiatic question.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

SCHEDULE OF ENCLOSURES.

23rd May, 1921.—Despatch from the Viceroy of India.
26th July, 1921.—Despatch to the Viceroy of India.
6th January, 1922.—Telegram from the Viceroy of India.
25th January, 1922.—Despatch to the Viceroy of India.

Enclosure 1 in No. 49.

Viceregal Lodge, Simla, 23rd May, 1921.

YOUR ROYAL HIGHNESS,

I HAVE the honour to acknowledge, with thanks, the receipt of Your Royal Highness's letter, dated 7th April, on the subject of the Asiatic Inquiry Commission's Report. The Government of India learn with satisfaction that in view of the great importance of the matters dealt with in the Report, the Union Government have decided to postpone legislation until the next session of Parliament. They would be glad to receive direct from the Union Government, if there is no objection, copies of any Bill dealing with the recommendations of the Commission that may be introduced at the next session of Parliament.

2. I take this opportunity of acknowledging, with thanks, the receipt of the copies of the Report of the Commission forwarded with your letter dated 5th April.

I have, &c.,

READING,
Viceroy and Governor-General of India.

His Royal Highness
The Governor-General of the Union of South Africa.

Enclosure 2 in No. 49.

(No. 15/1080.)

MY LORD, Governor-General's Office, Pretoria, 26th July, 1921.
I HAVE the honour to acknowledge the receipt of Your Excellency's despatch of the 23rd May, and to inform you that in accordance with your request copies of any Bill dealing with the recommendations of the Asiatic Inquiry Commission which may be introduced into Parliament at its next Session will be forwarded to you in due course.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

His Excellency
The Right Honourable
The Earl of Reading,
G.M.S.I., G.M.I.E., G.C.B., K.C.V.O.,
&c., &c., &c.,
Viceroy of India.

Enclosure 3 in No. 49.

VICEROY OF INDIA, DELHI, to THE GOVERNOR-GENERAL, PRETORIA.

(Received 7th January, 1922.)

TELEGRAM.

6TH JANUARY. Your letter dated 7th April, 1921. Report of Asiatic Inquiry Commission. I have addressed a despatch to Your Royal Highness, dated 27th December,* dealing with the recommendations of the Commission, and trust that the question will not be taken up in the House of Assembly before its arrival.

Enclosure 4 in No. 49.

(No. 15/1103.)

MY LORD, Governor-General's Office, Pretoria, 25th January, 1922.
WITH reference to Your Excellency's telegram of the 6th January, I have the honour to inform you that owing to the industrial situation the Union Parliament has been prorogued until the 17th February, and it is probable, therefore, that your despatch will arrive before Parliament meets.

My Ministers advise me that it is not contemplated that any legislation on the Asiatic question will be introduced during the coming Session of Parliament.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

His Excellency
The Right Honourable
The Earl of Reading,
G.M.S.I., G.M.I.E., G.C.B., K.C.V.O.,
&c., &c., &c.,
Viceroy of India.

12294

No. 50.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th March, 1922.)

(Confidential. (2.))

SIR, Government House, Cape Town, 24th February, 1922.
I HAVE the honour to enclose herewith copy of a despatch* which I have received from His Excellency the Viceroy of India, expressing the views of his Government on the conclusions set out in the Report of the Asiatic Inquiry Commission.

* Enclosure in No. 48.

2. The representations made in this despatch will not, in my opinion, be received very sympathetically by my Ministers who, though anxious to do as much as possible for the Indians in this country, are greatly handicapped by the state of public opinion on that question.

3. The Indian Government's suggestion that their nationals in the Union should be "merged into the general body of citizens on an equal footing" would, I fear, never be tolerated here. Rightly or wrongly the people of this country attribute the unrest and dissatisfaction prevailing in India to the policy adopted there of late years, which has aimed at granting Indians political and social rights similar to those enjoyed by Europeans. The South Africans are not at all convinced that the Indians in India are more contented than those in Natal, nor do they consider that this new policy of equal treatment has produced in India the harmonious relations it is predicted will follow its adoption in this country. The Indians in South Africa may be better educated than the great mass of their compatriots at home, but I am quite convinced that the people in Natal would never consent to recognize them as equals, no matter what standard of culture they may achieve.

4. The prejudice against Indians in South Africa is concentrated mainly on one class—the traders. All legislation overtly or covertly directed against Asiatics is designed to restrict the activities of these traders, who are regarded as parasites out to exploit the ignorant natives. They are vehemently opposed even to a generous system of segregation because they realize that trading with their own people, who understand bargaining and the correct value of articles, would not prove anything like as lucrative a business as trading with the natives. Many of them are very wealthy, but rarely do anything to assist fellow Indians of the coolie class.

5. The natives of this country are just as much British subjects as the Indians, and a very large proportion of them speak English fluently and are intelligent and skilful, though their literary attainments are meagre. It would be obviously unfair to grant equality to the Indians and withhold it from the natives, more particularly in view of the fact that "colour" frequently provides the only obvious means of discriminating between Europeans and the so-called inferior races.

6. Public opinion in this country has, I think I am safe in saying, expressed a decided preference for the Indian policy which you are reported to have advocated at the recent East African dinner, as compared with that favoured by the Secretary of State for India.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

23344

No. 51.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th May, 1922.)

(No. 186.)

SIR,

Governor-General's Office, Cape Town, 25th April, 1922.

I HAVE the honour to transmit to you herewith copy of a despatch to the Viceroy and Governor-General of India, Delhi (with enclosure), on the subject of the position of Indians in the Union.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

[See Governor-General's despatch South Africa Confidential (2) of the 24th February, 1922.*]

* No. 50.

Enclosure in No. 51.

(No. 15/1115.)

My LORD,

Governor-General's Office, Cape Town, 25th April, 1922.

WITH reference to the despatch No. 307 R.A. of 1921, dated the 27th December, 1921, signed by Your Excellency and members of your Council, I have the honour to transmit, for the information of the Government of India, a copy of a Minute from my Ministers regarding the position of Indians in the Union.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

His Excellency,

The Viceroy and Governor-General of India,
Delhi.

MINUTE 297.

Prime Minister's Office, 21st April, 1922.

WITH reference to His Royal Highness the Governor-General's Minute No. 15/1106 of the 8th February, 1922, enclosing a despatch from the Government of India dated the 27th December last, in regard to the recommendations of the Asiatic Inquiry Commission, Ministers have the honour to recommend that a reply should be sent in the following terms:—

Ministers recognize that the position of the British Indians in the Union of South Africa is a matter of special interest to the Government of India, and they realize that any grievances which British Indians residing here may feel are reflected in India, and are used there to embarrass the Government of India. For that reason Ministers have always received with the greatest attention any representations coming from the Government of India concerning any particular measures affecting British Indians here, and they will continue to do so.

The despatch in question, however, deals not with particular measures affecting Indians here, but with the whole policy of the Union Government, and it is couched in a tone of criticism and instruction in regard to fundamental questions of South African policy which, in the opinion of Ministers, is likely to cause serious misunderstanding on the part of the people of South Africa, and to endanger the good relations which have always existed between the two Governments, the continuance of which is pre-eminently desirable.

In reference to paragraph 2 of the despatch, in which the Government of India comments on the attitude adopted by the representatives of South Africa at the recent Imperial Conference, Ministers desire to state emphatically that their colleagues at that Conference did no more than state what has been, and is, the policy of the Government, and that that policy is the only one which the present Government of the Union or any other Government which is likely to be in office here in the near future, could possibly adopt.

Ministers note that that policy, in the opinion of the Government of India, is mistaken and unjustifiable, and they note, also, the arguments by which that opinion is supported. They would, however, ask the Government of India to believe that their policy in this matter has been adopted after full consideration of the position of Indians in the Cape Province and in other Provinces of the Union, and with a full sense of their responsibility both to the people of South Africa and as the Government of one of the Dominions of the Empire.

The claim of British Indians residing in the Union to be accorded full political rights is one which has never been recognized by the Government of the Union, and one which raises the most difficult and delicate questions which any South African Government could be called upon to deal with. Ministers desire most earnestly to impress upon the Government of India that in the present condition of public feeling in South Africa the assertion of that claim by British Indians here and its official endorsement by the Government of India, add materially to the difficulties which the Government has to encounter in arriving at a reasonable and fair solution of outstanding difficulties. Such a condition of public feeling may be difficult for the Government of India to understand, but it is one which no South African Government can ignore.

Ministers note the views of the Government of India in regard to the report and recommendations of the Commission on Asiatic Affairs, and they also note the advice of the Government of India set out in paragraph 4 of the despatch. These

opinions, however, and that advice are based on the principle that the Indian community should ultimately be "merged in the general body of citizens, on an equal footing," and that principle, as has been indicated, is one which Ministers are unable to accept.

Ministers desire to add that they do not contemplate introducing legislation during the present session of Parliament dealing with Asiatics. When any such legislation is contemplated, they will be glad to furnish the Government of India with copies of the proposed legislation at as early a date as circumstances will permit.

J. C. SMUTS.

25880

No. 52.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th May, 1922.)

(Confidential.)

SIR, Government House, Cape Town, 12th May, 1922.

With reference to my despatch, Confidential (4) of the 13th May, 1921,* I have the honour to report that a motion urging the Government to adopt a system of compulsory segregation of Asiatics has been discussed in the House.

2. The mover, Mr. Mackeurtan, said that the Indians in Natal were increasing in numbers and acquiring property at an alarming rate. There were now 160,000 Indians in that Province and only 138,000 Europeans. When the reduction of rents was demanded in accordance with the Rents Act it was significant that the largest number of proprietors affected were Indians, one of whom owned no fewer than 200 houses in the borough of Durban. At Stanger, the Municipal voters of Asiatic origin outnumbered the Europeans. This condition of affairs, he maintained, was aggravating racial antagonism. The Provincial Council had attempted to mitigate specific grievances by passing the Township Franchise, Dealers' Licensing and similar Ordinances, but the Union Government had taken no effective steps to deal with the problem as a whole. In his opinion there were only three courses open to the Government. To continue the present policy of *laissez faire* would not help. Compulsory repatriation with compensation could not be applied to Indians born in the country who had acquired South African nationality and of whom there were a vast number. There remained only segregation. It was an unpleasant method to adopt but the only one, he thought, that seemed to offer a solution of the question. It was a policy that had been advocated by Lord Milner, who also favoured certain areas being set aside for white people.

3. Other speakers moved amendments with the object of making Mr. Mackeurtan's proposals more stringent. A Nationalist member criticized the Government for not adopting a definite Asiatic policy. He thought the question could be satisfactorily settled without compromising Imperial interests or causing concern outside the Union.

4. The Minister in reply said that the position was not as critical as members and the country imagined. Ten years ago the Indians in Natal outnumbered the Europeans by 50 per cent. Now they were about equal in that Province, while elsewhere the proportion was negligible. The Government was encouraging voluntary repatriation. Indians were being granted a free passage and financial assistance up to £20 each. Last year 3,427 had returned to India under the voluntary scheme, and this year 719. The opposition of the Indian Association and not that of the sugar planters was responsible for this decrease. He reminded members that the Asiatics in Natal did not all come from British India, and that any unjust action taken against them would provoke opposition from other countries outside the Empire. Moreover, two-thirds of the Indians in Natal were born in this country and could not be compulsorily repatriated.

5. Continuing, the Minister declared the system of complete segregation was impracticable. Even if they acquired the necessary land—and that was not an easy thing to do—would the Indians consent to settle on it? He was in favour of encouraging a measure of urban segregation, provided proper arrangements were made, because a good deal of harm had undoubtedly resulted from the intermixture of Europeans and Asiatics in town districts. But he did not agree with the proposal to set aside all moral obligations and attempt to enforce compulsory segregation upon the Indians. The problem demanded more sympathetic treatment.

* No. 92 in Dominions No. 74.

6. The Indian Government adopted the attitude, that it was bound to make representations to the Union Government on behalf of Indians who complained of unfair treatment, so long as South Africa denied them political rights. If, on the other hand, we were prepared to accord them these rights, the Indian Government would wash its hands of them, as they should then be in a position to redress their own grievances like any other citizen of the Union. This, he thought, was not an unreasonable attitude. The Indians themselves asked to be accorded equal political status. This the European people, he felt sure, were not prepared to concede, at any rate for a very long time to come.

7. From this it will be seen that, apart from the adoption of a scheme of voluntary and assisted repatriation and the encouragement of a measure of urban segregation, the Union Government does not propose to interfere to any extent with the existing privileges of Asiatics in South Africa.

8. I have forwarded a copy of this despatch to the Viceroy of India, together with a press report of the debate, copies of which accompany my despatch, No. 215 of 12th May.*

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

23344

No. 53.

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 30th May, 1922.

With reference to your letter of the 2nd of February,† I am directed by Mr. Secretary Churchill to transmit to you, for the information of Viscount Peel, a copy of a despatch‡ from the Governor-General of the Union of South Africa forwarding a copy of the reply sent to the despatch of 27th December, 1921,§ from the Government of India regarding the position of Indians in the Union.

I am, &c.,

C. T. DAVIS.

25880

No. 54.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 55.]

SIR, Downing Street, 9th June, 1922.

With reference to the letter from this Office of the 6th of June, 1921,|| I am directed by Mr. Secretary Churchill to transmit to you, for the information of Viscount Peel, a copy of a despatch¶ from the Governor-General of the Union of South Africa reporting on a debate in the House of Assembly on a motion urging the Government to adopt a system of compulsory segregation of Asiatics. A copy of the press report** of the debate is also enclosed.

I am, &c.,

C. T. DAVIS.

49713

No. 55.

INDIA OFFICE to COLONIAL OFFICE.

(Received 6th October, 1922.)

SM, India Office, Whitehall, London, S.W.1, 5th October, 1922.

With reference to your letter of the 9th June, 1922,†† and connected correspondence regarding the position of Indians in the Union of South Africa, I am directed by Viscount Peel to transmit, for the information of Mr. Secretary Churchill, copy of a letter from the Government of India transmitting copy of a despatch dated the 6th September, 1922, addressed to the Governor-General of the Union on this subject.

I am, &c.,

L. KERSHAW,

Secretary,

Industries and Overseas Department.

* 25777: not printed. † No. 48. ‡ No. 51. § Enclosure in No. 48. || No. 93 in Dominions No. 74. ¶ No. 52. ** Not printed. †† No. 54.

Enclosure in No. 55.

No. 254.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration.)

Simla, the 7th September, 1922.

Position of Indians in the Union of South Africa.

SIR,

With reference to the correspondence ending with Sir Louis Kershaw's letter, dated the 19th July, 1922, I am directed to forward, for the information of Right Honourable the Secretary of State for India, a copy of the despatch addressed to His Royal Highness the Governor-General of South Africa, No. 436-R.A., dated the 6th September, 1922, regarding the position of Indians in the Union.

I have, &c.,

R. EW BANK,

Deputy Secretary.

To

His Majesty's Under-Secretary of State for India,
Industries and Overseas Department,
India Office, London.

No. 436-R.A.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration.)

To

His Royal Highness Prince Arthur of Connaught,
K.G., Kt., G.C.M.G., G.C.V.O., C.B., A.D.C.,
Governor-General of the Union of South Africa.

Simla, the 6th September, 1922.

Subject: Position of Indians in the Union of South Africa.

YOUR ROYAL HIGHNESS,

We have the honour to acknowledge receipt of your despatch No. 15-1115, dated 25th April, transmitting for our information a copy of a minute from your Ministers regarding the position of Indians in the Union. We note that the Union Government are unable to accept the views which we expressed in our despatch No. 307-R.A., dated 19th December, on the Report of the Asiatic Inquiry Commission, and the suggestions which we put forward, more particularly in paragraph 4 for improving the condition of the Indian community generally. We observe that exception has been taken to our despatch on the ground that it is couched in a tone of criticism and instruction in regard to fundamental questions of South African policy, and that it has been suggested that this attitude is likely to endanger the good relations which have always existed between the Government of India and the Union Government.

2. We must in the first place express our disappointment that our representations on behalf of His Majesty's Indian subjects have not obtained a more favourable reception, and regret that the intention of our despatch should have been misunderstood. When we wrote that despatch we had reason to believe that the recommendations of the Asiatic Inquiry Commission were under the consideration of Your Royal Highness's Government, and it appeared to us that a full exposition of our views might be helpful to them in determining their attitude on a most difficult and delicate question. So long as Indians in South Africa are denied an adequate and constitutional method of seeking redress of their grievances by means of the franchise, we are, as we have previously stated and as your Government have recognized, unable to divest ourselves of a certain measure of responsibility for their

welfare. Our despatch dealt only with the policy of the Union Government in its relation to the status and welfare of the Indian community in South Africa, and we do not understand how the good relations which have always existed between the two Governments, to the maintenance of which the Government of India attach as much importance as the Union Government, can be endangered by a frank interchange of views on a question which vitally concerns both as members of the same Empire.

3. The present position seems to be this. The Asiatic Inquiry Commission have found that Indians have certain definite and justified grievances regarding the matters to which the Commission's inquiry was restricted. Apart from these they suffer under political and social disabilities, of which they are tending to become more impatient than formerly. Public opinion in this country has also become acutely alive to these grievances and disabilities, and is pressing more insistently than ever before for a reasonable and fair solution of them. On the other hand, a strong party in South Africa seems determined, if possible, still further to restrict the rights and privileges of the domiciled Indian community. We are in the dark as to the intentions and policy of the Union Government, and have merely been informed that they do not contemplate introducing legislation dealing with Asiatics during the present session of Parliament. The policy advocated by us, which, we note, the Union Minister of the Interior, Mr. Duncan, has described as "perfectly fair, logical and intelligible," has been formally rejected by the Union Government. We entertain no doubt that the Union Government intend, so far as circumstances allow, to make an attempt to remedy at least those main grievances to which the Asiatic Inquiry Commission drew specific attention, and we should be grateful if they would give us some indication of the policy which they propose to adopt with regard to these grievances in the immediate future. We think that we ought to inform Your Royal Highness's Government that a purely negative attitude, such as that outlined in paragraphs 4 to 7 of your Confidential despatch, dated 12th May, 1922, to the Secretary of State for the Colonies, is not likely to satisfy Indian public opinion either here or, so far as our information goes, in South Africa, and we feel that we should be failing in our duty if we do not lay stress on the fact that if the impression is allowed to become widespread in this country that Your Royal Highness's Government do not intend to take any action in the matter, reactions may be provoked which in the future may become a source of grave embarrassment to both our Governments.

We have, &c.,

READING,

RAWLINSON.

W. H. VINCENT.

MUHAMMAD SHAFI.

B. N. SARMA.

T. B. SAPRU.

C. A. INNES.

E. M. COOK.

2856

No. 56.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th January, 1923.)

(No. 671.)

MY LORD DUKE,

Governor-General's Office, Pretoria, 22nd December, 1922.

I HAVE the honour to transmit to Your Grace herewith, with reference to my despatch No. 186 of the 25th April, 1922,* copy of a despatch from the Viceroy of India, dated 6th September, 1922,† and of a despatch to the Viceroy of India (with enclosure), dated 21st December, 1922, on the subject of the position of Indians in the Union of South Africa.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

* No. 51.

† Enclosure in No. 55.

(No. 15/1139.)

My Lord, Governor-General's Office, Pretoria, 21st December, 1922.
 With reference to the despatch No. 436 R.A., of the 6th September, 1922, signed by Your Excellency and members of your Council, on the subject of the position of Indians in the Union, I have the honour to transmit, for the information of the Government of India, a copy of a Minute from my Ministers dealing with the points raised in the despatch under reference.

I have, &c.,
 ARTHUR FREDERICK,
 Governor-General.

His Excellency
 The Right Honourable
 The Earl of Reading, G.C.S.I., G.C.I.E., G.C.B., K.C.V.O.,
 &c., &c., &c.,
 Viceroy of India,
 Delhi.

Prime Minister's Office, Pretoria, 15th December, 1922.

MINUTE 984.

MINISTERS have the honour to acknowledge Your Royal Highness's Minute No. 15/1130 of the 11th October last, transmitting a despatch from the Government of India on the position of Indians in the Union, and beg to offer the following observations thereon:—

1. In the first place Ministers would take this opportunity of stating that they fully realize the interest taken by the Government of India in this question, and their sense of responsibility for the welfare of the Indian population in those Provinces of the Union where the law does not accord to them the privilege of the franchise. It was to this point that the statement of the Minister of the Interior quoted in the despatch was directed, and not, as would appear from the quotation—founded presumably on an imperfect report—to an expression of approval of the actual proposals of the Government of India.

2. Ministers note that the Government of India express disappointment at what they term the "purely negative attitude" outlined in Your Royal Highness's despatch of 12th May last. Ministers had hoped that the last-quoted despatch had sufficiently explained the reasons for that attitude. There is, as the Government of India acknowledge, "a strong party in South Africa determined still further to restrict the rights and privileges of the domiciled Indian community." If the Government of the Union has been able to keep that movement in hand and prevent it from finding expression in unreasonable Union or Provincial legislation, it is only because it has maintained a strictly negative attitude in regard to the demands of the Indian community for enlarged privileges, and ultimately for complete social and political equality. Ministers would ask the Government of India to accept their assurance that, even if they personally favoured a policy of enlarged privileges to the Indian community, any measures introduced at the present time having that object in view not only would meet with certain defeat, but would aggravate to a dangerous extent the feelings of hostility towards the Indian community which are already very general among the European population.

3. The Government of India refer more specifically to the report of the Asiatic Inquiry Commission which, as they state, "found that Indians have certain definite and justified grievances regarding the matters to which the Commission's inquiry was restricted." They ask for some indication of the policy which this Government proposes to adopt in the immediate future with regard to "the main grievances to which the Asiatic Inquiry Commission drew specific attention."

4. In order to avoid misunderstanding on this point, Ministers desire to recapitulate the recommendations of the Asiatic Inquiry Commission. These fall under the following main heads:—

- (i) Repatriation.
- (ii) Ownership and occupation of land.
- (iii) Trading licences.
- (iv) Immigration.

The recommendations are set forth in summary form in paragraph 225 of the Report.

5. The Union Government has not so far put forward any measures based on the Commission's report because it did not appear likely that such measures would materially assist a settlement of the question, either in the direction desired by the Government of India, or in that desired by those who are in favour of further restrictions. Ministers certainly did not gather from the views expressed by the Government of India in their despatch of 27th December, 1921, that the recommendations of the Commission were acceptable to them on any of the matters dealt with, and they are somewhat at a loss as to what particular recommendations the Government of India have in mind in alluding to the "definite and justified grievances" found by the Commission.

6. Of the recommendations referred to in paragraph 4 of this Minute, those included under heads (i) and (iv) give rise to no difficulty. They express what has been and is the policy of this Government.

7. As regards the recommendations dealing with the ownership and occupation of land, it will be noted that the Commission unanimously advise against the repeal of Law 3 of 1885 (Transvaal) and of the restrictions contained in the Transvaal Gold Law (Act 35 of 1908), and in Act 37 of 1919. These restrictions constitute the main grievance of the Indians in the Transvaal, but the Commission do not recommend their relaxation, except to the extent that areas should be set apart in municipalities, in which Asiatics should be allowed to own or occupy land if they choose to reside there. The policy of segregating the European, Asiatic, and native populations in urban areas is one which commends itself to Ministers, and for which there is a growing demand in the country. But in the opinion of Ministers, which is supported by all past experience, it can only be successfully carried out if accompanied by a prohibition in the case of each race against acquiring ownership or occupation of land in the municipality outside the allocated area. In the case of the Indians in the Transvaal this prohibition already exists, and accordingly, as is indicated by the Commission, it would be comparatively easy to apply the policy in that Province. But if it is to be applied in Natal, where the demand for it is most urgent, it will have to be accompanied by a prohibition against the acquisition or occupation of land by Asiatics outside the areas allocated to them, and the Union Government have, so far, hesitated to take this step.

8. As regards the ownership of land outside townships in Natal, the Commission (with one dissenting member) recommended that the right of Asiatics to acquire and own land for agricultural purposes should be confined to the coast belt. This recommendation Ministers do not approve, and have no intention of carrying out.

9. The Commission recommended the retention of existing restrictions in Zululand and the Transkeian Territory.

10. There remain the recommendations in connexion with trading licences which the Government of India in their despatch of 27th December, 1921, state they "are able to accept with fewest reservations." The Government of the Union has not put forward any legislative proposals embodying these recommendations, because legislation in connexion with such licences is one of the matters entrusted to Provincial Councils, and, although an Act of the Union Parliament would override any provincial legislation, it has been and is the policy of the Union Government to refrain, except for very grave and urgent reasons, from asking Parliament to legislate on matters which by the Constitution are placed under the jurisdiction of the Provincial Councils. A Provincial Ordinance, however, does not become law without the assent of the Governor-General-in-Council, and Ministers have used the opportunity thus given to them to secure as far as possible that any Provincial legislation should be on the lines indicated by the Commission. It was for this reason that the Ordinance passed by the Provincial Council of Natal this year, dealing with trading licences in rural areas was, on the advice of Ministers, reserved by the Governor-General for further consideration. Subsequently, as the result of discussion with Ministers, the Provincial Administration have agreed to introduce it in a modified form which will embody, as regards applications for new licences, renewals or transfers, the provisions indicated in (4), (5), (6), (7) and (8) of paragraph 205 of the Commission's report, and will also preserve the right possessed by certain existing licence holders of appeal to the Court against the refusal of an application for renewal. The provisions of this Ordinance will be of general application and not confined to Asiatics.

11. The recommendation of the Commission contained in paragraph 222 that a special officer should be appointed to administer Asiatic affairs is one which commends itself to Ministers, but hitherto the financial position of the Government has been such that they have not felt justified in the creation of a new department of this nature. They have not, however, lost sight of the suggestion.

12. Ministers have dealt in detail with the recommendations of the Commission so as to remove any possible misunderstanding in the minds of the Government of India as to the attitude of this Government in regard to the position of the Indian community here. The problems arising from the relations of European and Asiatic in the Province of Natal, where the Indian population exceeds the European, and both are vastly outnumbered by a semi-barbarous native population, are most difficult, and only time and patience can lead to a satisfactory solution, if such a solution is possible. The situation might at any time become dangerously acute if the Indian community were to press their demands for social and political equality. It is the policy of the Union Government to avoid anything which would tend to aggravate the anti-Asiatic feeling which prevails among a large section of the European population, and to move cautiously in the directions indicated in this despatch. They are not prepared and do not think it advisable to commit themselves to any more far-reaching statement of policy.

J. C. SMUTS.

22445

No. 57.

INDIA OFFICE to COLONIAL OFFICE.

(Received 5th May, 1923.)

[Answered by No. 59.]

SIR, India Office, Whitehall, London, S.W.1, 3rd May, 1923.
WITH reference to your letter of 1st February, 1923,* I am directed by the Secretary of State for India to transmit, for the information of the Secretary of State for the Colonies, copy of a telegram which has been received from the Viceroy regarding the reported intention of the Government of South Africa to introduce a Bill providing for the residential and trading segregation of Asiatics during the next session of the Union Parliament.

Viscount Peel would be glad to learn whether any information bearing on this report has been received at the Colonial Office, or could be obtained from the Union Government, should the Duke of Devonshire see no objection to such a course.

I have, &c.,

L. KERSHAW.

Secretary, Industries and Overseas Dept.

Enclosure in No. 57.

TELEGRAM FROM VICEROY TO SECRETARY OF STATE FOR INDIA.

(Received 6.30 p.m., 25th April, 1923.)

25TH APRIL. 419EMI. We learn from press that South African Minister of Interior has announced in House of Assembly that Government proposes to introduce Bill providing for residential and trading segregation of Asiatics, next Session. We are gravely perturbed at this news, as we gathered from paragraph 7 of Union Minister's minute of 15th December, 1922, that Union Government did not contemplate this step in immediate future. We hope that you will immediately address Colonial Office, representing once more the objections which we have so often urged against this policy and its unfortunate effect in this country.

Department of Education and Health.

* 2250: not printed; forwarded copy of No. 50.

23125

No. 58.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th May, 1923.)

(Confidential.)

MY LORD DUKE, Governor-General's Office, Cape Town, 19th April, 1923.

WITH reference to my despatch Confidential of the 12th May, 1922,* I have the honour to report that the annual discussion on the Asiatic problem in South Africa took place in the House of Assembly last Tuesday.

2. Mr. Mackeurtan, who opened the debate, told the now familiar story of the steady invasion of European spheres of employment by Indians and advanced the customary demand for the maintenance of western civilization in South Africa and the segregation of the Asiatic.

3. The Government of India, the speaker declared, is making representations to us asking for the franchise, but we will never agree to that so long as the Indian is allowed to intermingle with our people. But their only hope of getting representation is for them to agree to segregation in their own areas. Subject to this condition he was in favour of their being granted a measure of local autonomy and some form of Municipal Government.

4. The Labour leader supported Mr. Mackeurtan's motion, but at the same time warned the House against adopting methods calculated to bring the Union "into conflict with powers in Asia whom we cannot afford to ignore." He concluded by urging the Government to consider whether it might not ultimately pay South Africa to spend ten or more millions "to ransom Natal for civilization."

5. The Minister of the Interior began his reply to the debate by pointing out that a satisfactory solution of the Asiatic problem was rendered difficult because they were not dealing with foreign people coming into the country, but with a people that had been settled in South Africa for years. He was convinced that insurmountable obstacles stood in the way of absolute segregation, and, even if it were found possible to set up a sort of Asiatic state in Natal where Indians could live according to their own ideals, many existing troubles would still remain.

6. The Minister then made an important announcement in reference to the future policy contemplated by the Government. While complete segregation must be dismissed as a hopeless speculation, he considered a measure of urban segregation, trade and residential, was practical and would be provided for in a Bill which he hoped to introduce next Session. The details of the Government's scheme were as yet indefinite, but its general principles had been decided upon. When any urban authority desires to set apart areas where Europeans and Asiatics can live separately, it would be invited to submit proposals for this purpose to the Union Government, and if the Government is satisfied that the scheme is feasible the urban authority concerned will be empowered to put into operation "a system of segregation which will make it unlawful for people of other races to occupy land set aside for a particular race."

7. "Existing property and licences," concluded the Minister, "will have to be respected. We cannot approach this question as though these people were mere pawns in a game. Personally I do not think we will ever find a cut and dried solution to a question like this. It is one of those problems which will have to be dealt with by just living through it, and I am one who believes that those qualities which have distinguished the European race up till now will bring us safely through this crisis."

8. I have forwarded a copy of this despatch to the Viceroy of India, together with a press report of the debate, copies of which accompany my despatch No. 158 of the 20th April.†

I have, &c.,

ARTHUR FREDERICK.

Governor-General.

* No. 52, † 22886: not printed.

23125

No. 59.

COLONIAL OFFICE to INDIA OFFICE.

Sir,

Downing Street, 19th May, 1923.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 3rd of May* regarding the reported intention of Government of the Union of South Africa to introduce a Bill during the next session of the Union Parliament providing for the residential and trading segregation of Asiatics, and to transmit to you, to be laid before Viscount Peel, the accompanying copy of a despatch† from the Governor-General of the Union of South Africa, together with the press report‡ of the debate in the House of Assembly on the subject.

It will be observed that the Governor-General has already sent a copy of the despatch and of the press report of the debate to the Viceroy of India.

I am, &c.,

C. T. DAVIS.

26664

No. 60.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th May, 1923.)

(Confidential (2).)

My Lord Duke,

Governor-General's Office, Cape Town, 11th May, 1923.

I HAVE the honour to report, in continuation of my despatch Confidential of the 19th April,† that the following motion was recently introduced in the Union Senate:—

"That in the opinion of this House it is necessary that the Government be requested to take immediate steps—

- (a) To repatriate all Indians who may be desirous of returning to India as speedily as possible;
- (b) To set apart areas where only Indians may reside;
- (c) To establish bazaars for living and trading purposes by Indians on the outskirts of the different towns where such may be found necessary."

2. In commending the motion to the consideration of the Upper Chamber, Senator Munnik (Nationalist) said his object was to "strengthen the hands of the Government in introducing legislation for the segregation of Asiatics." He contended that the spirit of the Smuts-Gandhi agreement had been violated by the Indians who had succeeded through trickery in evading the law. They had discovered that, although individually they were prohibited from acquiring the ownership of property in the Transvaal, there was nothing in the law to prevent them doing so by forming limited liability companies, and that 450 such companies already existed in that Province.

3. Senator Wolmarans said he blamed the British Government for the difficult position in which they found themselves, since, after the Boer War, the Imperial authorities had declared that Indians were British subjects and must therefore be admitted to any portion of the Empire.

4. The Minister, in reply denied that the Imperial Government had put any obstacle in the way of the Union Government's efforts to solve the Asiatic problem. As no more Indians had been admitted since 1913 it remained only to consider what to do with those already in the country. Most of them were South Africans by birth, and for this reason it was impossible to repatriate them compulsorily no matter how anxious the Government might be to do so.

5. The Minister then intimated that he accepted articles (b) and (c) of the motion, and, in reference to (a), explained that £25,000 had been placed upon the Estimates to meet expenses involved in the voluntary repatriation of Asiatics.

6. The motion was agreed to.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

* No. 57. † No. 58. ‡ 22886: not printed here.

43869

No. 61.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th September, 1923.)

Sir,

Foreign Office, S.W.1, 3rd September, 1923.

I AM directed by the Secretary of State for Foreign Affairs to transmit herewith, for the observations of the Duke of Devonshire, a copy of a memorandum which has been left at the Foreign Office by Mr. Tokugawa, First Secretary of the Japanese Embassy, relative to the possible introduction into the Union Parliament of South Africa of a Bill for the exclusion of Asiatics.

2. When leaving this memorandum, Mr. Tokugawa said that he was instructed to add that the Japanese Consul at Capetown had had some communications with the Union Government, as a result of which he was assured that the Bill was aimed not at Japanese, but at Indian residents.

I am, &c.,

V. WELLESLEY.

Enclosure in No. 61.

Japanese Embassy, London, W.

OUTLINE OF INSTRUCTION FROM THE JAPANESE MINISTER FOR FOREIGN AFFAIRS TO BARON HAYASHI.

ACCORDING to the report from the Japanese Consul at Cape Town, the Home Secretary of the Union of South Africa, in a speech at the Union Parliament, stated that the Union Government had decided to introduce a Bill for the exclusion of Asiatics to the next Session, and the Union Premier made a declaration to the same effect. The said Consul is directed to make representations to the Union Government on the subject.

You are instructed to communicate to the British Government that the Japanese Government will be grateful if the British Government will exercise their influence in urging the Union Government that, in view of the comparatively small number of Japanese residents and of the desirability of the Japanese staying in the Union in connexion with the purchase of wool, etc., the provisions of the Bill should not be applied on its passage to the Japanese. If they should be applied to the Japanese, the public opinion in Japan would not overlook the fact with the result that the friendly relations between Japan and the British Empire, especially the Union of South Africa, might, it is feared, be affected, and further development of the trade between Japan and the Union, which has greatly increased in amount and in importance in recent years, might be checked.

43869

No. 62.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 240.)

Sir,

Downing Street, 24th September, 1923.

I HAVE the honour to transmit to Your Royal Highness, to be laid before your Ministers, the accompanying copy of a memorandum* which was left at the Foreign Office by the First Secretary of the Japanese Embassy, relative to the possible introduction into the Union Parliament of a Bill for the exclusion of Asiatics.

2. When leaving the memorandum Mr. Tokugawa stated that the Japanese Consul at Cape Town had had some communications with the Union Government, as a result of which he was assured that the Bill was aimed not at Japanese, but at Indian residents.

I have, &c.,

DEVONSHIRE.

* Enclosure in No. 61.

INDIA OFFICE to COLONIAL OFFICE.

(Received 15th October, 1923.)

SIR, India Office, Whitehall, London, S.W.1, 13th October, 1923.
 With reference to the correspondence ending with your letter of 19th June, 1923,* regarding Indians in South Africa, I am directed by Viscount Peel to transmit for the information of the Duke of Devonshire, copy of a despatch which has been received from the Government of India on this subject, together with copy of the despatch which the Government of India have addressed to the Governor-General of the Union of South Africa.

I have, &c.,

J. C. WALTON,

Assistant Secretary, Industries and Overseas Department.

Enclosure in No. 63.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

(Overseas.)

(No. 12.)

MY LORD,

Simla, the 6th September, 1923.

WE desire to forward for your information a copy of a despatch No. 661, dated the 23rd August, 1923, which has been addressed to the Governor-General of South Africa after considering the points raised in Mr. Walton's letter dated the 7th June, 1923. The despatch has been worded in a friendly spirit, but we wish to make it clear that the feeling in India at the present moment is not friendly to the Union Government, and that this feeling will remain so long as the Indian community in South Africa labours under its present disabilities. These disabilities are not only social in character, such an exclusion from theatres and hotels, segregation in trains and so on, but extend over the whole field of public life. In the Transvaal and Orange Free State Indians do not enjoy either the political or the municipal franchise. In Natal, with the exception of those whose names were already on the voters' roll at the time, they were deprived of the political vote in 1896. They can vote now only at municipal elections, and a movement is on foot to restrict even that right. Only in the province of the Cape is the Indian community in enjoyment of both the political and the municipal franchise.

2. Again the Immigrants Regulation Act of 1913 is utilized in conformity with the resolution of 1918 completely to prohibit the entry of new immigrants from India into South Africa. The Act also incorporates provisions which have the effect of debarring Indians from moving from one province into another in which they are not lawfully resident. The fact that the Government of India have acquiesced in these restrictions does not render their operation less onerous to those who are affected by them.

3. Indians are also handicapped in the pursuit of trade by the manner in which the licensing laws of the various provinces are administered. These laws are of general application and do not differentiate between European and coloured licence holders, except in occasional references to Asiatic or native eating houses, but in practice the powers vested in the licensing authority are used to place

* 20064: not printed; forwarded copy of No. 60.

difficulties in the way of the Indian trader. Thus, in the Transvaal the Asiatic community complain that municipal bodies refuse to grant licences to them purely on the ground of nationality. In the Orange Free State Province all Asiatics are, by the laws of the Republic, which are still in force, prohibited from trading or carrying on business of any description whatever. Even in the Cape Province, which has otherwise treated its Indian residents fairly, some municipalities have refused a much larger proportion of applications from Indians for trade licences than from persons of any other nationality. The same policy is pursued by municipalities in Natal where it was stated by the Licensing Officer of the Durban Municipality before the Asiatic Inquiry Commission that "a European licence is granted almost always as a matter of course, whereas the Indian licence is refused as a matter of course if it is a new one." Outside townships and boroughs, the Licensing Officer informed the Asiatic Inquiry Commission that he was in the habit of refusing new licences to Indians on the ground that there were already sufficient licences of the kind in the area applied for. Since then the Rural Dealers' Ordinance has empowered the Administrator to create licensing boards from which Indians will be excluded on the ground that they do not possess the parliamentary franchise. The decisions of these boards on applications for new licences will be open to appeal only to a Board of a non-judicial character, and the appeal will lie only when a new licence is refused on the ground that the applicant is not a fit and proper person to hold the licence applied for or to carry on the proposed business. The Indian community have no reason to hope that their applications for licences will be considered more favourably by the new Boards than by the former licensing officers.

4. Indians also suffer in the matter of restrictions on the acquisition of fixed property. In the Transvaal such restrictions date from the time of the Republic, and have subsequently been made more stringent by Act 37 of 1919, which forbids the acquisition of immovable property by Indians outside locations, either by the formation of companies or through nominal trustees. In the mining areas of the Witwatersrand, where a majority of the Indian population is collected, the occupation of land by Indians is restricted by the Gold Law. In Natal the new Borough and Township Lands Ordinance empowers the Town Council of any borough or the local Board of any township, with the consent of the Administrator, to restrict to members of a particular race the occupation and ownership of immovable property sold or leased out by them. In Durban only two sales of land have taken place since the similar Durban Land Alienation Ordinance was passed last year, and in both cases the right of purchase was confined to Europeans.

5. In addition to the foregoing disabilities, serious enough when taken individually, and more serious in their cumulative effect, Indians are now threatened with the application of the principle of racial segregation; a principle to which Indian sentiment has always been strenuously opposed, and one which His Majesty's Government have recently rejected in the case of Kenya. Our objections to the principle have been set out in the despatch which accompanies this letter. We gravely fear that, if the power of enforcing segregation is once embodied in legislation, before long it will be so used as to make conditions of life intolerable for all Indians in South Africa, except possibly those of the labouring classes.

6. In conclusion we hope that it will be possible for His Majesty's Government to use informally the opportunity of the Imperial Conference so as to induce the representatives of South Africa to abandon or modify the policy of segregation on which the Union Government has embarked, and generally to recognize the claims which India has as a partner in the Empire. Feeling in India has been deeply stirred by the recent decision of His Majesty's Government with regard to Kenya. The attitude of the Fiji Government towards the Indians under their care has also provoked resentment. The failure of the Dominions of Australia and Canada to remove as yet the political disabilities under which a considerable proportion of the few Indians resident in them labour has added to the prevailing despondency. Recently the decision of the Supreme Court of the United States rendering Indians ineligible for American citizenship has produced the impression that not only the British Commonwealth but the white races generally are combined against India. The demand for reciprocity measures is now gaining additional strength and we are finding it difficult to resist this movement. We shall find it even more difficult to do so if the Union Government of South Africa decide upon compulsory racial segregation. On the question of the rights of Indians overseas to equal citizenship

opinion among all classes and sections of Indians is unanimous. Indians cannot reconcile the existence of disabilities on their compatriots in some parts of the Empire with the moral ideas on which the whole Imperial fabric rests.

We have, &c.,

READING.

MUHAMMAD SHAFI.

W. M. HAILEY.

B. N. SARMA.

BASIL P. BLACKETT.

A. C. CHATTERJEE.

D. T. CHADWICK.

To The Right Honourable Viscount Peel.

His Majesty's Secretary of State for India.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

(Overseas.)

(No. 661.)

SUBJECT:—*Position of Indians in the Union of South Africa.*

YOUR ROYAL HIGHNESS,

Simla, the 23rd August, 1923.

We have the honour to acknowledge the receipt of your despatch No. 15-1139 dated the 21st December, 1922, forwarding a copy of a Minute from your Ministers dealing with our despatch No. 436-R.A. dated the 6th September, 1922, regarding their policy towards Indians in the Union of South Africa.

2. We fully recognize the difficulties with which the Union Government are confronted in dealing with the Asiatic problem, and we appreciate their anxiety not to take any steps which might have the effect of aggravating the anti-Asiatic feeling in the Union. In particular, we desire to express our satisfaction that the Union Government do not intend to carry out the recommendation made by the Asiatic Inquiry Commission in paragraph 199 of their report that the right of Asiatics in Natal to acquire land should be restricted to the coast belt, and are glad to note that they view with approval the proposal to appoint a special officer to administer Indian affairs.

3. We accept the assurance given by the Ministers in paragraph 2 of their Minute that any measures introduced at the present moment with the object of improving the social and political status of the Indian community would not only meet with certain defeat but would also dangerously aggravate the feelings of hostility towards them which are already general among the European population, and we share the hope suggested by the Ministers in paragraph 12 of their Minute that time and patience will lead to a solution of the difficult situation in Natal. We desire, however, to take the opportunity of repeating our opinion that the suggestions made in paragraphs 75 to 80 of Sir Benjamin Robertson's statement before the Asiatic Inquiry Commission for the elevation of the social and educational condition of the Indians and endorsed in paragraph 4 of our despatch No. 307 dated the 27th December, 1921, if carried cautiously into effect, could scarcely fail in time to mitigate the difficulties of the present situation. We trust that our suggestions may receive sympathetic consideration.

4. With reference to paragraph 5 of the Minute, we would explain that in paragraph 3 of our despatch of 6th September, 1922, we did not ask that the recommendations of the Asiatic Inquiry Commission should be given effect to, for it is evident from our despatch of the 27th December, 1921, that they were acceptable to us only to a limited extent. The "definite and justified grievances" to which we alluded were certain grievances such as those referred to in paragraphs 121-123 and 182 of the Commission's Report and we wished to know what action the Union Government proposed to take with regard to them. The Ministers have now explained their general policy towards Asiatics as far as possible, and we are grateful to them.

5. We regret that we have not been able to persuade the Union Government to modify the terms of the Rural Dealer's Licensing Ordinance and other Ordinances recently passed by the Natal Provincial Council on the lines which we suggested. We feel confident, however, that so long as they continue in operation in their

present form, care will be taken to ensure that the interests of Indian residents in the Province are adequately protected. We have noted with particular regret that since last December, Your Royal Highness's Government have felt compelled to take a step which they previously hesitated to take, in the direction of segregation on racial lines, and that the Minister of the Interior announced in the House of Assembly on 17th April last that, while complete segregation must be dismissed as a hopeless speculation, a measure of urban segregation, trade and residential, was practicable and would be provided for in a bill which he hoped to introduce next session. The purpose of the bill would be to empower urban authorities, with the previous approval of the Union Government, to set aside separate areas for Europeans and Asiatics and to enforce a system of segregation which will make it unlawful for people of other races to occupy land set aside for a particular race.

6. Our general attitude is well set forth in paragraphs 65 to 72 of the statement made by Sir Benjamin Robertson before the Asiatic Inquiry Commission. We touched on the subject in paragraph 7 of our despatch No. 307-R.A. dated 27th December, 1921, but in view of the fact that the Asiatic Inquiry Commission definitely recommended that there should be no compulsory segregation of Asiatics, we did not then develop our objections in detail. The announcement of 17th April last leads us to believe that it might be useful to invite the attention of Your Royal Highness's Government to the objections of principle to racial segregation which are entertained in India.

7. In the first place, segregation on racial lines implies a stigma of racial inferiority, and if enforced on Asiatics by the Europeans in whose hands the ultimate power resides, cannot fail to provoke their resentment. They will fear that in practice the policy of segregation will be administered in a spirit of racialism rather than of even-handed justice, and that the tendency will be to assign inferior localities or insufficient areas for their accommodation or inadequate municipal conveniences. These fears do not appear to us to be groundless judging from the deplorable condition of the Asiatic locations at Germiston, Boksburg and Vrededorp, a description of which is contained in paragraphs 121 to 123 of the report of the Asiatic Inquiry Commission. It appears to us that social convenience could be more effectively obtained by mutual consent than by measures of compulsory segregation, more particularly since the rights in land already acquired by Indians, from which they can scarcely be expropriated, probably render such a policy impracticable in many places.

8. If the object of such segregation is to prevent deterioration in the sanitary conditions, commercial values, and general amenity of the quarters preferred by Europeans, we would urge that these objects can equally well be secured by imposing a relatively higher standard in sanitary, building, and police regulations in such quarters than it might be thought necessary to enforce elsewhere. In practice compulsory segregation is bound to involve hardship to members of the Indian community who would presumably in future be prohibited from occupying trading premises in the more eligible quarters merely by reason of their Asiatic race, and, however capable they might be of conforming to European standards. Even if, as we assume, the position of existing licence holders is adequately safeguarded, licences for trading outside the assigned area will gradually lapse, and no fresh outside licences will be issued. Indians will come to regard themselves as the victims of trade rivalry, and will fail to understand why, for instance, a European and Indian firm, which are alike dealing mainly with European customers, should be made to trade in different quarters. An artificial barrier between two traders doing the same class of business is likely, from the strictly commercial point of view, to cause inconvenience and sometimes serious hardships.

9. We have a difficulty in understanding the intention in regard to Indian students, merchants and tourists who are permitted to visit South Africa temporarily in accordance with the Reciprocity Resolution of the Imperial Conference of 1918, which was accepted by the representative of the Union Government. We presume that such persons will not be required to live in locations set apart for Indians, but will be allowed freedom of movement and residence during their stay in the country. To segregate them would be to defeat the object with which they are admitted and to adopt a measure hardly consistent with the terms of the resolution.

10. The course of recent events in South Africa has already been a source of embarrassment to us in this country, and we trust that it may not yet be too late for the Union Government to reconsider its policy with regard to segregation, and to

adopt measures which will secure the objects which they have in view by the alternative methods which we have indicated or in other suitable ways.

We have, &c.,

READING.
MUHAMMAD SHAFI.
W. M. HAILEY.
B. N. SARMA.
B. P. BLACKETT.
A. C. CHATTERJEE.
D. T. CHADWICK.

To His Royal Highness Prince Arthur of Connaught,
K.G., K.T., G.C.M.G., G.C.V.O., C.B., A.D.C.,

5593

No. 64.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4th February, 1924.)

(No. 19.)

Governor-General's Office, Cape Town.

MY LORD DUKE,

18th January, 1924.

I HAVE the honour to transmit to Your Grace herewith, with reference to Telegram from Secretary to the Government of India, Delhi, 12th January, 1924. Prince Arthur of Connaught's despatch No. 530 of the 20th October, 1923,* the Telegram to Viceroy of India, Delhi, 18th January, 1924. documents noted in the margin, on the subject of the Class Areas Bill. Despatch to the Viceroy of India, Delhi, 18th January, 1924. I have, &c.,
(Three copies of Bill).

J. ROSE INNES,
Acting Governor-General.

Enclosure 1 in No. 64.

THE SECRETARY TO THE GOVERNMENT OF INDIA, DELHI, TO THE GOVERNOR-GENERAL, CAPE TOWN.

(Received 12th January, 1924.)

TELEGRAM.

12TH JANUARY. We learn from Reuter's, Cape Town, that a Bill entitled Class Areas Act, 1924, has been published in *Gazette*. I should be much obliged if you would kindly send us copy as soon as possible and meanwhile telegraph a summary of main provisions. We should also like to know when Bill will be introduced and considered.

Enclosure 2 in No. 64.

THE ACTING GOVERNOR-GENERAL, CAPE TOWN, TO THE VICEROY, INDIA.

(18th January, 1924.)

TELEGRAM.

YOUR telegram of 12th January. Text of Bill follows by mail.

Summary begins: When urban local authority intimates that area within its limits is wholly or for greater part occupied for residential or trading purposes or both by particular class of persons or that an area is available for exclusive occupation of such, Minister may appoint Commission to investigate and report upon extent and nature of area, number, dimensions, situation and nature of sites occupied or available, whether area would afford proper and adequate facilities, or provision for water, lighting, sanitary and other services, general desirability of application to particular area and any other matter he may deem desirable.

* 54897: not printed; forwarded a copy of the Viceroy's despatch of 23rd August, 1923, enclosed in No. 63.

Within six months of Commission's report Governor-General may proclaim such area as class residential or class trading or both. More than one area may be so defined. Such an area may be defined in Transvaal on land under mining title notwithstanding existing laws. After proclamation, acquisition, lease or renewal of lease of immovable property and issue of trading licence in class area prohibited to other than class concerned, and to class concerned elsewhere in the urban area. Rights to renewal in terms of existing leases and renewal of trading licences in existence at date of proclamation safeguarded. Governor-General may in general interest give exemption for trading outside class area. Governor-General may suspend operation if satisfied class area inadequate or unsuitable. Provision made for Advisory Boards in class areas. "Class of persons" includes any Europeans or others having common racial characteristics except natives. Savings include power of Governor-General to grant letters of exemption. *Summary ends.*

Impossible forecast date introduction Bill, but understood progress not likely be rapid.

Ministers wish to assure Government of India that it is their desire and intention to apply the measure, if it becomes law, in a spirit of fairness to the interests and reasonable requirements of Indians and of other races or classes to whom it may be applied. It is, as will be observed, general in its application and is intended (in conjunction with a law passed last session on the subject of residential quarters for natives in urban areas) to provide for a measure of social separation in towns between classes of persons who, owing to differences of race, colour or civilization, do not assimilate. Ministers consider that adequate powers are reserved to the Union Government to prevent these provisions being used as an instrument of local race prejudice or commercial rivalry. It is not the intention of the Government that it should apply to temporary residents such as those mentioned in paragraph 9 of your despatch of 23rd August.

It is the intention of Ministers to afford the representatives of the Indian community here full opportunity of discussing the provisions of the Bill.

Enclosure 3 in No. 64.

(No. 15/1182.)

Governor-General's Office, Cape Town.

MY LORD,

18th January, 1924.

I HAVE the honour to refer to Your Excellency's despatch of the 23rd August last regarding the position of Indians in the Union and to explain that Ministers delayed dealing with the points raised in that despatch owing to the meeting of the Imperial Conference. In view of the discussions which took place there, my Ministers do not think it necessary now to touch upon the general question of the social and political status of Indians in South Africa.

In your despatch, however, particular reference was made to the intention of this Government, as announced in Parliament, to introduce a measure providing for the segregation of Europeans and Asiatics in urban areas. Ministers accordingly forward, for the information of the Government of India, two copies of the proposed measure which will be introduced during the coming session. A summary of the provisions of this bill has been communicated to you in my telegram of to-day's date.

My Ministers wish to assure the Government of India of their desire and intention to apply the measure, if it becomes law, in a spirit of fairness to the interests and reasonable requirements of Indians and of other races or classes to whom it may be applied. It is, as will be observed, general in its application and is intended (in conjunction with a law passed last session on the subject of residential quarters for natives in urban areas) to provide for a measure of social separation in towns between classes of persons who, owing to differences of race, colour or civilization, do not assimilate. Ministers consider that adequate powers are reserved to the Union Government to prevent these provisions being used as an instrument of local race prejudice or commercial rivalry. It is not the intention of the Government that it should apply to temporary residents such as those mentioned in paragraph 9 of your despatch under reference.

My Ministers propose to afford the representatives of the Indian community here full opportunity of discussing the provisions of the bill.

I have, &c.,
J. ROSE INNES,
Acting Governor-General.

His Excellency

The Right Honourable

The Earl of Reading, G.M.S.I., G.M.I.E., G.C.B., K.C.V.O.,
&c., &c., &c.,

Viceroy of India,
Delhi.

10496

No. 65.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th March, 1924.)

(Confidential (2).)

SIR, Governor-General's Office, Cape Town, 15th February, 1924.

I ENCLOSE an article from the *Sunday Times** and two from the *Indian Opinion*† commenting upon the Class Areas Bill which the Government proposes to introduce in the House this Session.

2. The *Sunday Times* article is a restrained account of the conditions existing in Natal and gives a very inadequate idea of the intensity of the anti-Indian feeling in that Province. On the other hand *Indian Opinion* takes an exaggerated view of the restrictions that will be imposed upon Indians if, and when, the Bill comes into effect.

3. The Indians profess to regard the Bill as specifically directed against them and their interests, whereas it is in reality merely a step in the direction of a general policy of class segregation in Urban areas throughout the Union—equally applicable to Europeans, Indians, natives and the coloured population. The Natives (Urban Areas) Bill passed last Session already provides for native segregation, and the fact that the coloured people of Kimberley and the Jews in Johannesburg have lodged a vigorous protest against the Class Areas Bill provides convincing testimony that all classes do not agree that it is directed expressly against Indians.

4. It is only natural that the Indians should denounce the Bill, but in point of fact the Union Government's policy is dictated by an honest desire to protect Indians from more stringent Provincial legislation, as well as by the necessity of doing something to appease the overwhelming demands put forward by the European population. A reference to my despatch Confidential of the 13th February† and many previous communications on the same subject will show that the present Government has continually intervened on behalf of the Indians between them and the people of Natal. The position of the Government is indeed an unenviable one. On one side it is beset by the Indians who claim privileges as a South African-born people and at the same time do not hesitate to incite the Government of India to embarrass the country to which they profess to belong by birth. The Indian Government on its part has stimulated opposition in an already impatient Province by threatening to impose a differential duty on Natal coal at a time when the Union Government, at some risk to its own security, is making an honest attempt to ameliorate the anti-Indian legislation for which its followers are persistently clamouring.

5. On the other side this Government is invested by an overwhelming majority of white public opinion which views with alarm the steady encroachments of the Indian population. In a country with a mixed population like South Africa it would be absurd to expect a European race to contemplate placidly the steady invasion of its residential and commercial areas in the cities it has built up, nor to allow its fellow nationals through economic pressure to become the servants and subordinates of Asiatics and to see them compelled to submit to the humiliation which an overlordship of that nature entails.

I have, &c.,
ATHLONE,
Governor-General.

* Dated 3rd January: 18th January, and 1st February: not reprinted. † No. 119.

11704

No. 66.

INDIA OFFICE to COLONIAL OFFICE.

(Received 11th March, 1924.)

SIR,

India Office, Whitehall, London, S.W.1, 10th March, 1924.

WITH reference to your letter of the 13th February,* and previous correspondence regarding the Union of South Africa Class Areas Bill, I am directed by the Secretary of State for India to transmit an extract from a telegram which has been received from the Government of India containing their observations on the text of this measure.

2. Lord Olivier concurs generally in the views of the Government of India. He would suggest, for Mr. Secretary Thomas's consideration, that the Union Government might be informed by telegram of the observations and suggestions made by the Government of India.

3. His Lordship would also suggest that the Union Government might be informed that the Secretary of State for India shares the view of the Government of India that, as the promulgation of the Bill has already aroused strong feeling in India, its passage may materially increase the difficulties of the situation in that country. Lord Olivier, however, feels assured that the Union Ministers are not indifferent to this aspect of the question, and ventures to hope that it will at any rate be possible to incorporate in the measure, if it is passed, provisions such as those suggested by the Government of India and particularly a provision completely safeguarding the position of existing licence-holders, in order to minimise the risk of practical hardship. If it were found possible to meet the wishes of the Government of India to this extent the grievance felt by the Indian community in South Africa with its inevitable reaction in India might be mitigated.

4. It would appear from a later telegram received from the Viceroy that the matter is one of urgency, as the Government of India have been informed by telegram from the Union Government that the second reading of the Bill was expected to be taken some time this week.

I have, &c.,
J. C. WALTON.

Enclosure in No. 66.

VICEROY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, DELHI, to SECRETARY OF STATE FOR INDIA.

(Dated 29th February, 1924.)

TELEGRAM.

(Extract.)

YOUR 439, 8th February. Segregation in South Africa. We have now examined text of Bill and suggest that following observations on its detailed provisions could properly be put to Union Government in continuation of general considerations advanced in our despatch 661, 23rd August.

2. The avowed intention of the Union Government, as set out in continuation of Smuts's Minute No. 984, 15th December, 1922, was to carry out segregation within municipal areas. The definition of urban areas in Clause 11 extends scope of Bill far beyond this.

3. Union Government have explained to us that the Bill is intended to provide for social separation in towns and that it is not to be used as an instrument for local race prejudice or commercial rivalry. We do not accept the principle of social separation, but even if it is accepted, it would still afford no justification for enforcing separate trading areas in the cases where Indians do not reside in their shops. So long as trade areas are not used for residential purposes, there is in our opinion no case for commercial segregation, and we doubt if the practical difficulties in the way of introducing any such measure and real injustice which would result therefrom, have been fully appreciated.

* 5593: not printed; forwarded copy of No. 64.

4. The effect of segregation on value of property should not be forgotten. By restricting the market for property, its value will in many cases be reduced. In cases where an Indian owns a house, outside the proclaimed area, which he uses for trade purposes, and where renewal of his trade licence is refused in order to make him move his business within the class area, he is likely to be put to loss on account of forced sale(s) of property.

5. The safeguard regarding renewal of trade licences appears to us illusory. Since the Urban Authority proposing segregation will usually be also licensing authority, it will be tempted to do its best to give effect to the segregation by refusing, so far as possible, renewal of licence in the cases of persons of classes affected trading outside specified area(s). The safeguard provided by the Natal Act 22 of 1909, does not exist in other provinces. There is no specific provision in the Bill requiring Commission to satisfy itself regarding communication and easy accessibility of a proposed area for trade. The limit of an urban area can be indefinitely extended and area assigned to Indians may therefore be situated at a considerable distance from the main trading centre of a city. Refusal of renewal of licence outside such area will in many cases ruin Indian traders and deprive them of the means of livelihood altogether.

6. We suggest that provision should be included in the Act that constitution of the Commission shall include one person belonging to and representing the class affected, and one judicial officer, who shall be Chairman of Commission.

11745

No. 67.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11th March, 1924.)

(Confidential (2).)

SIR, Governor-General's Office, Cape Town, 22nd February, 1924.

WITH reference to my despatch Confidential of the 15th February,* I have the honour to enclose, for your information, press reports† of a reply made by the Minister of the Interior to a deputation representative of all the principal Indian Associations who assembled in Cape Town to protest against the Class Areas Bill.

2. In addition to giving them a detailed explanation of the manner in which the individual clauses will operate, Mr. Duncan advised the Indians to reconcile themselves to the fact that there is in South Africa a "predominating majority of the European people who are not willing to share their political privileges with the people of Asiatic race or even the civilized members of some races of South Africa." The Minister emphasized that he was not concerned with the rights and wrongs of this attitude on the part of the Europeans. The Government, he explained, did not create public sentiment and could not abolish it; nor was it possible for this or any other Government, to ignore its existence. He impressed upon them that, because the European population held these views so strongly, some measure of segregation in urban areas was inevitable. It was essential that the Asiatics and other people concerned should realize that the Government was compelled to satisfy, within reason, the demands of the Europeans, and that it was possible to do so without imposing undue hardship or any mark of dishonour upon other races. He willingly acknowledged that the Indians possessed a civilization that had made its mark on the world and one which was entitled to every respect. But it differed fundamentally from that of the European races, and he could not see how the Bill, which aimed at providing adequate and decent (though separate) residential and trading areas for all classes, could possibly be regarded as a stigma upon any of the communities affected.

3. The Government, he continued, proposed to appoint Commissions composed of trustworthy men—including a member selected specially for his acquaintance with the customs and aspirations of the Indian community—to ensure that no degrading or unfair conditions were enforced and to see that the area set aside for any particular section of the community was ample in dimensions and adequately equipped with living accommodation and municipal amenities.

* No. 65. † Not reprinted.

4. In conclusion he assured them that, far from experiencing any hardships from the application of the measure, he was convinced that an improvement would gradually be effected in their conditions of life. That they could rely upon the Government to protect them from oppressive legislation was, he claimed, supported by the manner in which the Natal Provincial Council had been repeatedly restrained from depriving Indians of the franchise they were entitled to under existing laws. The Advisory Boards set up under Clause 9 of the Bill were designed to give Indians a liberal say in the management of Municipal affairs within their areas. "Representative institutions," said Mr. Duncan, "often grow up out of Advisory Boards—they should not be regarded as an attempt to prevent Indians from obtaining the Municipal franchise."

5. A copy of this despatch, with the opening reference to my despatch Confidential of the 15th February omitted, has been forwarded to His Excellency the Viceroy of India.

I have, &c.,
ATHLONE,
Governor-General.

11704

No. 68.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.30 p.m., 17th March, 1924.)

TELEGRAM.

[Answered by No. 71.]

17TH MARCH. Secret. Secretary of State for India asks that following personal message from himself may be communicated to General Smuts:—

Begins: Private and Personal. I understand that the Government of India are telegraphing certain observations to the Union Government regarding Class Areas Bill, and, as I am aware of the informed interest which you take in the Imperial problems presented by the position of India as a part of the British Empire and of your desire frequently demonstrated to co-operate in the solution of those problems by avoiding so far as possible action in South Africa which reacts unfavourably on the situation in India, I venture to address you personally in general support of such practicable suggestions as the Government of India may make. The promulgation of the Bill has already aroused such strong feeling in India that the Government of India cannot ignore the probability that its passage may materially increase the existing difficulties of the situation in that country. I feel assured that Union Ministers are not indifferent to this aspect of the question and this encourages me in the hope that it may at any rate be possible to incorporate in the measure, if it is passed, provisions such as those which I understand may be suggested by the Government of India in order to minimize risk of practical hardship. If it were possible to meet the wishes of the Government of India to this extent the grievance felt by the Indian community in South Africa with its inevitable reaction in India might be mitigated. I will merely mention two suggestions to which the Government of India will probably attach particular importance, firstly, that provision should be made completely safeguarding the position of existing licence-holders in regard to renewal of their licences, and secondly, if this is possible, that it should be provided that Commissions under Clause 1 should include one person belonging to the class affected and a judicial chairman. *Ends.*

No. 69.

INDIANS OVERSEAS ASSOCIATION to COLONIAL OFFICE.

(Received 20th March, 1924.)

[Answered by No. 75.]

Indians Overseas Association, 47-48, Danes Inn House,

Sir, 265, Strand, London, W.C.2, 19th March, 1924.

I BEG to enclose, herewith, for the information of the Secretary of State for the Colonies, a copy of a letter with enclosure that I have to-day addressed to the Right Honourable the Prime Minister,

I have, &c.,

H. S. L. POLAK,

Honorary Secretary.

Enclosure in No. 69.

Indians Overseas Association, 265, Strand, W.C.2.

DEAR SIR,

19th March, 1924.

I SHALL be obliged if you will kindly at your early convenience draw the attention of the Prime Minister to the enclosed copy of a statement issued by Mr. Gandhi on the 14th February with reference to the Class Areas Bill now before the Union Parliament at the South African Government's instance.

You will see in the third paragraph of the statement that Mr. Gandhi definitely alleges that the Bill is a breach of the compromise of 1914 arrived at between the Union Government and the Indian community of South Africa, and that he goes on to claim that other parties to this compromise were the Government of India and His Majesty's Government.

The Prime Minister is, of course, aware that Mr. Gandhi himself represented the South African Indian community and his name appears in the correspondence, dated 30th June, 1914, with Sir E. M. Gorges, then Secretary for the Interior. Mr. Gandhi is, therefore, the highest authority on the Indian side as to the nature and purpose of the agreements between the Union Government and the Indian community.

Almost immediately afterwards Mr. Gandhi left South Africa, leaving to me the responsibility of ensuring the application of the settlement by the Union Government in the spirit in which it has been made; and in my opinion, too, there is no doubt that it was definitely agreed that the position of Indians in South Africa should at no time in the future be made worse than it was left by the settlement, but that the South African Indians should be free, as opportunity occurred, to press for the removal of the disabilities with which they then remained burdened.

That this was the situation is, I think clearly borne out by the above referred to correspondence, and I am quite sure that this interpretation will have the corroboration of Mr. C. F. Andrews, who was present in South Africa when the negotiations were proceeding and a settlement reached and who, I have reason to believe, was at Mr. Gandhi's side in the Sassoon Hospital, Poona, when he issued the enclosed statement.

It is, I think, beyond dispute that this was the view taken by General Smuts as late as 1917, when he made the following very clear statement to the Imperial War Conference with special reference to the passage in the Union Parliament of the Immigration Regulation Acts of 1913-14, "once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary and would become easily and perfectly soluble."

Nevertheless, so far from maintaining the *status quo* in South Africa, a steady policy has been pursued to reduce the status of the resident Indian population by depriving it of some of the few rights that it had retained at the time of the settlement in 1914. For example, there was the legislation in 1919 depriving Indians in the Transvaal of the right of indirect ownership of fixed property and their right to register private limited liability companies for such purpose.

There has been the more recent legislation by the Natal Provincial Council depriving Indians of certain rights of land purchase in municipal areas, legislation that has been assented to by the Governor-General with the advice of the Union Government; and now there is this new Class Areas Bill, which cannot but have a most disastrous effect upon the position of Indians in municipalities throughout the Union.

I am referring to these details not merely in order to show how far the Union Government has departed from the letter and the spirit of the 1914 settlement, but also in order to emphasize the responsibility of the Imperial Government, which, as Mr. Gandhi has pointed out, was a most important party to the negotiations leading up to the settlement. It will undoubtedly be regarded in India as an imperative obligation upon the Government of India and His Majesty's Government to take such steps as are open to them to warn the Union Government of the grave consequences to Imperial relations if the present measure is proceeded with. The Class Areas Bill will be looked upon in India as being tantamount to a declaration of war upon India by the Union of South Africa.

I cannot conceive of anything more serious occurring within the British Commonwealth, and I venture to urge upon the Prime Minister that His Majesty's Government will make such representations to the Union Government as the gravity of the circumstances warrants.

Yours, &c.,

HY. S. L. POLAK,

Honorary Secretary.

The Private Secretary,

The Prime Minister,

10, Downing Street, S.W.1.

ANTI-INDIAN CAMPAIGN IN SOUTH AFRICA.

MAHATMA Gandhi has issued on the 14th February the following statement of his views regarding the anti-Asiatic movement in South Africa, and especially the Class Areas Bill:—

As one expected to understand the situation created in South Africa by the anti-Asiatic movement now going on there, and especially the Class Areas Bill now under consideration by the Union Parliament, I deem it my duty to place my opinion on the situation before the public.

The anti-Asiatic agitation on the part of Europeans in South Africa is no new thing. It is almost as old as the first settlement of unindentured Indians in South Africa, and is principally due to trade jealousy on the part of white retail traders. As in other parts of the world so in South Africa, interested men, if they sufficiently persist, find no difficulty in gathering the support round them of those who are not so interested, but who do not think for themselves. The present agitation, I remember, was begun as early as 1921, and the Class Areas Bill is, no doubt, one result of that agitation.

Before dealing with the nature and effect of the Bill, it is necessary to point out that it is in breach of the compromise of 1914 arrived at between the Union Government and the Indian community of South Africa. But it was a compromise to which both the Indian Government and the Imperial Government were as much party as the Union Government and the Indian community, because the compromise was arrived at with the knowledge and concurrence of the Imperial and the Indian Governments. The latter had even sent Sir Benjamin Robertson as a representative, technically to watch the course of the Commission that was appointed by the Union Government to inquire into the Indian position, but in reality to negotiate a settlement. The main terms of the compromise were settled before Sir Benjamin Robertson, who represented the Indian Government, returned to India.

In accordance with that compromise no further anti-Asiatic legislation was to be passed by the Union Government. The understanding at the time was that the legal position of the Indian would be gradually improved, and that the then existing anti-Asiatic legislation would, in time to come, be repealed. The contrary has, however, happened. The public may remember that the first attempt to break the spirit of the compromise was made when in the Transvaal an attempt was made to

enforce the existing legislation adversely to the Indians and contrary to the practice that prevailed at the time of the compromise. The Class Areas Bill, however, goes much further in restricting Indian liberty.

Whatever may be the other implicators of the compromise this much cannot be disputed by any party, that the settlement of 1914 pledged the Union Government not to put further restrictions upon the Indian liberty, and apart from the general powers of disallowance vested in His Majesty under the Letter of Instructions addressed to the Governor-General of South Africa, the Imperial Government if they would be true to their trust are bound, at any cost, to insist upon the observance of the terms of the compromise referred to by me.

We in India may not ignore the difficulties of the Union Government, which is dependent for its existence solely upon the will of the Europeans of South Africa expressed through their elected representatives to the exclusion of Indians and the natives of the soil. This unwarranted exclusion is the original flaw in the South African constitution as it is to be found in the constitution of most of the self-governing Colonies which have their native populations and Indian populations. As the Imperial Government permitted the flaw, it is in honour bound to prevent untoward results arising from it. South Africa and Kenya will presently show what moral worth there is in the Imperial system. Pressure of public opinion may, and probably will, bring about temporary relief in both the places; but it will be only temporary. It can merely postpone the final act in the tragedy unless some unforeseen radical change, either in England or in India, takes place.

And now for the Bill itself. Unlike the Natal Municipal Franchise Bill, which happily the Union Governor-General has in effect vetoed and which applied only to Natal, the Class Areas Bill is designed to apply to all the four provinces. It enables the Government to segregate all the domiciled Indians and other Asiatics alike for residence and trade. It is therefore an extension, in a modified manner, of the location system devised as early as 1885 by the late Transvaal Government.

Let me say in a few words what the segregation may mean. The Indian location in Pretoria, where, in spite of the law of 1885, not a single Indian has been as yet compelled to remove, is situated far away from the town itself and entirely outside the beat of the buyer whether English, Dutch or native. The only trade possible in such locations is trade among themselves. Segregation therefore carried out to the full means nothing less than compulsory repatriation without any compensation. It is true that the Bill appears to preserve to a certain extent the existing rights. But that reservation is of little consequence to the Indian settlers. I do not wish to burden this note by citing illustrations from my South African experience to show how such reservations have, in practice, proved almost useless.

Finally, let it be remembered that when Indian emigration to South Africa was unrestricted the fear of the Europeans was expressed to be that South Africa might be swamped by India's millions. All the South African statesmen then used to say that South Africa could easily digest a small Indian population and could even give it a liberal treatment, but that the European settlers could never rest content so long as the possibility of swamping remained. Now that the so-called fear of swamping has been removed, practically since 1897, the cry is raised for segregation; and, if that is accomplished, the next step will be compulsory repatriation. If the segregated Indians do not voluntarily retire the fact is that the more accommodating the European settlers of South Africa find the Imperial trustees to be, the more grasping they become in their anti-Asiatic demands.

13753

No. 70.

THE SOUTH AFRICAN INDIAN CONGRESS to THE SECRETARY OF STATE.

(Received 21st March, 1924.)

TELEGRAM.

20TH MARCH. South African Indian Community submits, notwithstanding strongest protests, Union Government determined carrying through Class Areas Bill violating pledges given. Bill indefensible. Foreigners, also Euro-Africans, Malays and natives being exempted. Bill will apply only to Indians. Euro-Africans, Malays and natives assembled in thousands. Capetown, assured

Mrs. Sarojini Naidu of support to Indians in opposition of Bill. Indians will never submit segregation. Pray representations be made in interests of Empire. Pather, General Secretary, South African Indian Congress, Post Office Box 670, Durban.

14313

No. 71.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5.0 p.m., 22nd March, 1924.)

TELEGRAM.

[Answered by No. 76.]

22ND MARCH. Your Secret telegram of 17th March.* Following for the Secretary of State for India from my Prime Minister:—

Begins: I fully appreciate the grave issues at stake and the strong reasons which impel you to make this personal appeal, and you may rest assured that I have given your appeal careful consideration from the widest point of view.

Bill has roused strong feeling amongst the Indians, but that feeling here, as in India, is largely of political character and not based so much on any particular provisions of the Bill. Bill taken as general political stigma on colour ground.

Position the Government have to face is acute; dangerous and rapidly growing race antagonism which unless dealt with in time may soon lead to most lamentable developments and political reaction. Indian question is without doubt the most explosive one in our whole political situation and affects the British part of the population perhaps even more deeply than the Dutch element. Only remedy seems to be a practical and wise policy of separating white and Indian population as much as possible. In carrying it out Government will do everything in its power to be just and fair and not relegate Indians to areas which can be fairly considered unsuitable. Hope is entertained that the policy of separation will lead to abatement of feeling and more tolerable conditions generally.

The two points mentioned by you have been suggested to us by the Government of India, and we have replied: Firstly, that the renewal of licences is provided for in the Bill. Secondly, that the composition of the Commission will receive the careful consideration of the Government. There are great practical difficulties in securing the appointment of Judges on Commissions of this character, but our endeavour will be to make the Commission as judicial and impartial as possible and not to put on it partisans from either side. And in view of this, I question both the policy and the feasibility of appointing Indian member whose position if not partisan would be made intolerable to him and whose appointment would lead to other partisan appointments to the Commission.

I shall continue to give my close attention to any further representations you or Lord Reading may make, and I hope you will communicate to him also this personal message to you. *Ends.*

14360

No. 72.

FOREIGN OFFICE to COLONIAL OFFICE

(Received 26th March, 1924.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary

* No. 68.

of State, transmits herewith copy of a note from the Japanese Ambassador on the subject of the application of the South African Class Areas Act of 1924 for such observations as Mr. Secretary Thomas may desire to offer.

Foreign Office,
24th March, 1924.

Reference to previous correspondence: Colonial Office letter of 25th September, 1923.*

Enclosure in No. 72.

(F 843/489/61.)
(No. 41.)

Sir, Japanese Embassy, London, 17th March, 1924.

I HAVE the honour to inform you that I have received the following instructions from my Government in connexion with the Bill for the Class Areas Act, 1924, which is now under consideration by the Parliament of the Union of South Africa.

"According to the report received from the Consul at Cape Town, the Bill for the Class Areas Act, 1924, has now been modified so as to exclude Europeans, Malaysians and natives from the application of the Act. The Japanese Government understand, to their satisfaction, from the recent conversations between the Vice-Minister of the Interior of the Union and the said Consul that the Union Government have for the present no intention of applying the said Act to the Japanese.

In view of the above modification of the Bill, the Japanese Government feel fully justified to consider that the Japanese should receive no less favourable treatment than the Malaysians and natives. You are instructed to approach the British Government with a request to exercise their influence in order that the Japanese may be explicitly included among those to whom the Act will not be applied."

I should therefore be grateful if your Government would take such steps as may be deemed suitable with a view to obtaining a favourable consideration of the Government of the Union of South Africa to the legitimate and proper desire of my Government above set forth.

I have, &c.,
HAYASHI.

The Right Honourable
James Ramsay MacDonald, M.P.,
Secretary of State for Foreign Affairs,
Foreign Office, S.W.1.

14399

No. 73.

INDIANS OVERSEAS ASSOCIATION to COLONIAL OFFICE.

(Received 26th March, 1924.)

[Answered by No. 75.]

Indians Overseas Association, 47-48, Danes Inn House,

Sir, 265, Strand, London, W.C.2, 24th March, 1924.

In my letter of the 19th inst.,† for submission to the Secretary of State for the Colonies with reference to the statement issued by Mr. Gandhi on the subject of the Class Areas Bill now before the Union Parliament, I mentioned that I was confident that Mr. Gandhi's interpretation of the circumstances of the 1914 Settlement and my own would have the corroboration of Mr. C. F. Andrews.

I have now seen a report in an Indian newspaper of an interview given by Mr. Andrews on 25th February, from which I extract the following:—

Question: Is the *Cape Times* justified in suggesting that the Class Areas Bill is not a breach of the Smuts-Gandhi Settlement of 1914?

Answer: Nothing could be more unjustified. It was settled in the most solemn manner that all the existing rights would be maintained. I was present at the

* 43869: not printed; enclosed copy of No. 62.

† No. 69.

preliminary settlement in Pretoria, and I know for certain that the whole struggle would have been re-opened if General Smuts had not made absolutely clear in writing that no existing right would be taken away. The point made by the *Cape Times* that the present holders of the leases are not to be dispossessed is not relevant at all. It is the right of the whole community which is now being taken away. The breach of the Gandhi-Smuts Settlement is palpable. In fact, other South African newspapers had acknowledged that the Gandhi-Smuts Settlement is broken. The position taken by the *Cape Times* is to me amazing. It is a specious argument used to cover a flagrant breach of faith.

I think it ought to be made clear at this point that when Mr. Gandhi and his colleagues and General Smuts were negotiating for a settlement it was never contemplated that the preservation of existing rights should refer and be confined to the personal rights of individuals. The intention was beyond dispute that where individual members of the Indian community exercised rights by statute or by custom all members of the Indian community should remain free to acquire and exercise similar rights.

It was certainly never the intention of the negotiators that at some future time legislation should be passed or administrative decrees issued limiting the exercise of these rights to the individuals who up to that moment had acquired them. The only question that remained open was whether and when the position of the Indian community, individually and as a whole, should be improved as regards those rights of which in the various provinces the Indian population were, in 1914, deprived, and which did not come within the settlement then reached.

I shall thank you to be good enough to place this letter together with the previous correspondence on the subject before the Secretary of State for the Colonies.

I remain, &c.,
H. S. L. POLAK,
Honorary Secretary.

14360

No. 74.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.45 p.m., 27th March, 1924.)

TELEGRAM.

[Answered by No. 73.]

27TH MARCH. Japanese Ambassador reports receipt of following instructions from his Government:—

Begins: According to the report (see No. 72.) will not be applied.

Ends.

Should be glad to learn what reply should be returned to Japanese Government.

14399

No. 75.

COLONIAL OFFICE to INDIANS OVERSEAS ASSOCIATION.

Sir, Downing Street, 1st April, 1924.

I AM directed by Mr. Secretary Thomas to acknowledge the receipt of your letters of the 19th and the 24th of March* on the subject of the Class Areas Bill now before the Parliament of the Union of South Africa.

I am, &c.,
C. T. DAVIS.

* Nos. 69 and 73.

15842

No. 76.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.45 p.m., 1st April, 1924.)

TELEGRAM.

1ST APRIL. Following for General Smuts from Secretary of State for India :—

Begins: I wish to express my thanks for your telegram of 22nd March* and the prompt and careful consideration which you have given to my personal appeal on the subject of the Class Areas Bill. I am much obliged by the clear explanation of the attitude of the Union Government, and the renewal of assurances that it will do all in its power to carry out its policy in a just and fair manner. Your reply is being repeated to Lord Reading as suggested. *Ends.*

—THOMAS.

18128

No. 77.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th April, 1924.)

(No. 137.)

SIR, Governor-General's Office, Cape Town, 24th March, 1924.

I HAVE the honour to transmit to you herewith, with reference to Sir James Rose Innes' despatch No. 19 of the 18th January, 1924,† the documents noted in the margin, on the subject of the Class Areas Bill.

Telegram from Secretary to the Government of India, Delhi, 24th January, 1924.
Telegram to Secretary to Government of India, Delhi, 5th March, 1924.
Telegram from Viceroy of India, Delhi, 14th March, 1924.
Telegram to Viceroy of India, Delhi, 22nd March, 1924.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure 1 in No. 77.

THE SECRETARY TO THE GOVERNMENT OF INDIA, DELHI, to THE GOVERNOR-GENERAL,
CAPE TOWN.

(Received 25th January, 1924.)

TELEGRAM.

24TH JANUARY. Thank you for your telegram of 18th January communicating summary of Class Areas Bill. We are awaiting full text. Should Bill be proceeded with we shall be glad to be informed by telegram date when it will be introduced.

Enclosure 2 in No. 77.

THE GOVERNOR-GENERAL, CAPE TOWN, to THE SECRETARY TO GOVERNMENT OF INDIA,
DELHI.

(5th March, 1924.)

TELEGRAM.

Your telegram of 24th January. First reading of Class Areas Bill will be taken to-day, second reading probably some time next week.

* No. 71. † No. 61.

Enclosure 3 in No. 77.

THE VICEROY OF INDIA, IN COUNCIL, DELHI, to THE GOVERNOR-GENERAL,
CAPE TOWN.

(Received 15th March, 1924.)

TELEGRAM.

14TH MARCH. 2576. We thank you for your telegram of 5th March regarding Class Areas Bill. In view of the urgency of matter we venture to place before you certain representations relating to its provisions for your consideration. In the first place it appears to us that Clause II of Bill extends its scope beyond the municipal area to which, in light of General Smuts' Minute No. 984 of 15th December, 1922, we thought Union Government intended to confine segregation. This will affect measure. Secondly, in paragraph 2 of your communication of 18th January we were assured that Bill was only intended to provide for social separation in towns and was not to be used as instrument for local race prejudice or commercial rivalry. We regret our inability to accept principle of special separation, but even if it is accepted it would not justify enforcement of separate trade areas in cases where Indians do not reside in their shops. So long as trade areas are not used for residential purposes there is in our opinion no case for commercial segregation, and we doubt if practical difficulties in the way of introducing any such measure and real injustice which would result therefrom have been fully appreciated. Thirdly, the effect of segregation on value of property should be carefully considered. By restricting market of property its value will in many cases be reduced. In case an Indian owning house outside proclaimed area which he uses for trade purposes is refused renewal of his trading licence in order to make him move his business within class area he is likely to be put to loss on account of forced sale of property. Fourthly, since urban authority proposing segregation will usually be also licensing authority we fear temptation of enforcing segregation by refusing renewal of licence to persons trading outside specified area may prove too great. The safeguards provided by Natal Act 22 of 1909 do not exist in other Provinces. There is no specific provision in Bill requiring Commission to satisfy itself regarding communications and easy accessibility of a proposed area for trade and since limits of urban area can be indefinitely extended under Bill it is possible Indians may be relegated to localities which are far away from main trade centres of a city. Refusal to renew licences outside such areas may in many cases deprive Indian traders of means of livelihood. Fifthly, the Bill does not provide that Commission shall include persons belonging to and representing classes affected and judicial officer as Chairman of Commission. We consider it important that such provision shall be made. Finally we wish to draw your attention to our general objections to principle of compulsory segregation which were stated in our despatch of 23rd August, 1923, No. 661, which we consider are still valid. We earnestly hope in the interests of solidarity of Empire it may be found possible even at this stage to drop Bill or radically modify it.

Enclosure 4 in No. 77.

THE GOVERNOR-GENERAL, CAPE TOWN, to THE VICEROY, DELHI:
(22nd March, 1924.)

TELEGRAM.

Your telegram of 14th March. Class Areas Bill. Ministers state that Clause II of the Bill will not be extended beyond Municipal areas, including areas sufficiently urban in character to be administered by the various forms of urban government mentioned in the last paragraph of the clause.

The second point in your telegram seems to arise from a misconception of the terms of my telegram of 18th January. It was not intended to convey the impression that the Bill was to be restricted to residential separation only, the separation of trading premises being equally necessary to prevent the social and racial friction which at present exists, and in many places such separation already exists in fact.

In regard to third point attention is directed to sub-clause 2 of Clause 5 of the Bill which provides that existing licensee holders outside the areas will be entitled to renewal of their licences.

Ministers state with reference to the fourth question raised that it is intended that the Bill should only apply to the Transvaal and Natal. In the former Province trading licences are issued by the Receivers of Inland Revenue, and, in regard to Natal, the right of renewal is safeguarded by Act No. 22 of 1909 in force in that Province. Protection against the possibility of Indians being relegated to unsuitable localities is provided for by the fact that Government has to approve areas selected after the proposals of the urban local authority have been investigated and reported upon by the Commission which will hear all objections.

As regards the fifth point, the question of the composition of the Commission will be a matter for careful consideration by the Government.

Ministers add in conclusion that, in view of the strong feeling aroused in the Union in favour of the Bill, which has been accentuated by the visit of Mrs. Naidu, who came to the Union on the invitation of the Natal Indian Congress, the Government sees no likelihood of the Bill being withdrawn.

24033

No. 78.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th May, 1924.)

[Answered by No. 82.]

(No. 213.)

Governor-General's Office, Pretoria,

29th April, 1924.

SIR,

WITH reference to your telegram of the 27th March,* I have the honour to transmit, for your information, the accompanying copy of a Minute from my Ministers regarding the application of the Class Areas Bill to Japanese.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 78.

MINUTE 269.

Prime Minister's Office, 10th April, 1924.

WITH reference to His Excellency the Governor-General's Minute No. 15/1207 of the 2nd April, 1924, submitting a telegram dated the 27th March, 1924, from the Secretary of State for the Colonies in regard to certain representations made by the Japanese Government on the application of the Class Areas Bill to Japanese subjects, Ministers have the honour to state that no assurance was given to the Consul of Japan that the Union Government have for the present no intention of applying the said Bill to Japanese should the measure be passed by Parliament. Correspondence took place between the Consul and the Department of the Interior, and the Minister of the Interior also granted an interview to the Consul, the final result of the representations being replied to on the 13th March by letter addressed to the Consul, in which it was stated that his representations had received consideration, and that the Bill as it stands contains nothing that could reasonably be regarded as conveying any reflection on the national honour of the Japanese people, and that there was no reason to suppose that the application of the measure to Japanese will ever be asked for by any local authority, but should that take place the Government of the Union of South Africa would give the fullest consideration to any representations made by the Consul on behalf of the Japanese Government.

Under these circumstances Ministers desire to state that it is impossible to undertake that Japanese subjects will be explicitly included amongst those to whom the measure, when passed, will not be applied. Ministers wish to add that they appreciate the fact that there are very few Japanese subjects within the Union, and that the interests of these persons will be protected by the Commission to be appointed under the Bill.

* No. 74.

In regard to the exemptions referred to Ministers would add that natives are exempted because the residence of natives in urban areas is already dealt with in an Act passed last year.

The exemptions in addition to that in favour of natives are in respect of Europeans and the persons known as Cape Coloured.

J. C. SMUTS.

20419

No. 79.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 83.]

(No. 152.)

MY LORD,

Downing Street, 22nd May, 1924.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a note from the Afghan Minister regarding the application of the Class Areas Bill to Afghans.

2. I should be glad to learn what reply your Ministers would desire to be sent to the Afghan Minister.

I have, &c.,

J. H. THOMAS.

Enclosure in No. 79.

(N 3384/3384/97.)

(O.L.A./a/174.)

SIR,

London, 16th April, 1924.

I HAVE the honour to inform you that my Government has received an intimation from the Transvaal Afghan Association representing the Afghan population of Transvaal, and has learnt therefrom of the intention of the Government of the Union of South Africa to enact and enforce a law known as the "Class Area Bill," by which it is contemplated to proclaim and establish separate trading and residential areas for the Asiatic population and to turn them out of those places which they are living in now and thus adding to the existing restrictions imposed upon them by the laws enacted before.

Viewing her past relations with the Government of Great Britain and the facilities and the consideration extended by her throughout this time towards the British subjects in Afghanistan, and inasmuch as the Afghan population in South Africa does not and never will constitute a direct menace detrimental to the interests of the country at large or of any individual either morally, numerically or economically, the Afghan Government begs respectfully to request that if, after all, this law has to be enacted, Your Excellency will be good enough to make use of the proper course and advise by effective means the Government of the Union of South Africa to exempt the Afghan population from the application of this new measure (an instance of such exemption has been set already), and thus, by so doing, will not allow this open insult to give rise to any intense feeling of abhorrence in the minds of the Afghan nation.

In order to draw the attention of the Government of the Union of South Africa to these representations I have drawn up a memorandum which I have the honour to enclose herewith and hope that Your Excellency will be good enough to forward same, along with your advice, as requested, to the said Government.

I have also the honour to enclose herewith a copy of the memorandum and a copy of the petition submitted by the said Afghan Association to the Prime Minister of South Africa, a copy of which they have also sent to us.

I have, &c.,

(Signed).

Minister Plenipotentiary and
Envoy Extraordinary.The Secretary of State
for Foreign Affairs.

(N 3384/3384/97)
(Enc/174.)

SIR, 42, Grosvenor Place, London, S.W.1, 16th April, 1924.
I HAVE the honour to inform you that according to the information received by His Majesty the Amir's Government and from the petition of the Afghan population of the Union of South Africa it seems that the Government of the Union of South Africa is trying to enact and enforce a law known as the "Class Area Bill" which is frightfully detrimental to the vested interests of the Afghans there. Hence, His Majesty the Emir's Government solicits the favour of your kind attention to the following points:—

(a) The Afghans are the most peaceful and law-abiding tax-paying foreigners. The records of the Courts will go a long way in proving this.

(b) Morally or socially they have never been a cause of trouble to your citizens.

(c) Numerically they will never constitute a menace for the future of your country.

Hence, as the position of the Afghan population in that country does not cover the grounds which go to necessitate the enactment of this measure, it is to be hoped that this law too will not be enforced upon them, that they will be exempted from its application and that by respecting and revering the honour and self-respect of one another's citizens, as two independent nations are wont to do, an opportunity will be afforded for the satisfaction and gratification of your Afghan human brethren.

I have, &c.,

(Signed),

Minister Plenipotentiary and
Envoy Extraordinary.

General The Right Honourable
Jan Christian Smuts, K.G.,
Prime Minister of the Union of South Africa.

General the Right Honourable
Jan Christian Smuts, K.G.,
Prime Minister of the Union of South Africa.

The Petition of:—

THE TRANSVAAL AFGHAN ASSOCIATION

humbly sheweth:—

1. That your Petitioners are the Transvaal Afghan Association representing some 100 members resident in the Transvaal, the majority of whom are Merchants.

2. That your Petitioners are members of a race which prides itself on its honesty and business integrity. The records of the Courts of the Transvaal will disclose that no Afghan merchant has ever surrendered his estate, been sequestrated, or compromised with his creditors.

3. That your Petitioners are, moreover, a peaceful people and law-abiding, and that it is extremely rare that an Afghan figures in any of the Courts of Justice of the country.

4. Your Petitioners deeply deplore the proposed "Class Area Bill" which they feel is aimed at the root of the well-being of all Asiatics in South Africa and which, if it becomes Law, will fall very heavily on your Petitioners.

5. Your Petitioners feel that the legislature of the country has only to give the proposed Bill due thought to realize that such a piece of legislation borders on the barbarous. The Act proposes to cage up all Asiatics, irrespective of classes, in certain specified areas. To permit trading only under certain conditions. After years of industry and toil we have built up businesses which we do not hesitate to say are an asset to the Union. These will be ruined and with them many of the white population of the country. The Asiatic is said to be a menace to the white traders. It is, however, generally conceded that the white trader would not allow the so-called "poor white" the same privileges as the Asiatic, and that the "poor white" would suffer thereby. The Asiatic trader is, therefore, a distinct asset to the "poor white," and if one section of a community is an asset to another it is an asset to the country.

6. As subjects of the Amir of Afghanistan, where Europeans are treated as all civilized people should be treated, with justice, we feel that we are entitled to the same privileges as we give. As citizens of the Union of South Africa we are loyal to South Africa and are and have always been prepared to make sacrifice for the good of the country.

7. The world is to-day crying for peace and for all nations to live in harmony. Here in South Africa we are treated not as a civilized people, but as inferiors, who must be kept down. We are unable to own property even though we have the means with which to purchase them. We bear a greater burden of taxation than our fellow Europeans, inasmuch as we pay taxes in addition to those which they bear, and yet we have no voice in the administration of the country. We must carry passes in the form of registration certificates. We cannot trade where we wish. We cannot travel from one part of the country to another save at great expense in obtaining temporary permits, and then only subject to certain conditions. We must travel in special trains, and even cabs. In short we are treated as untouchables. We do not desire to be treated as "social" equals of Europeans, but we claim we have as much right to fair and just treatment as any other nation. An Afghan, no matter what his station in life, is subject to disabilities which the most illiterate Russian, or other European is entirely free from.

8. The Supreme Courts of this country fortunately for us are not influenced by the trend of the popular feeling. Our Courts recognize, and have voiced it in a recent case, that the colour bar is repugnant to the general law of the land. We ask only for justice, and that when it is proposed to enact legislation affecting us that the test to be supplied in ascertaining whether such legislation is just, i.e., "is it morally just"?

Wherefore your Petitioners Humbly Pray that you may be pleased to repeal all Acts of Parliament, and Provincial Enactments which impose disabilities on us such as before referred to, and in particular, Act No. 22 of 1913, the Immigration Act and Gold Law, in so far as it affects us; and that we may be granted the franchise and the right to own fixed property and may be treated generally on the same footing as our European countrymen.

And your Petitioners will ever pray.

Dated at Johannesburg this 11th day of February, 1924.

ABDUL RAHIM KHAN,
Secretary.

19, Commissioner Street,
Johannesburg,
Transvaal,
South Africa.

24033

No. 80.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 81.]

SIR,

Downing Street, 6th June, 1924.

WITH reference to the letter from this Office of the 4th of April,* I am directed by Mr. Secretary Thomas to transmit to you, to be laid before Mr. Secretary Ramsay MacDonald, a copy of a despatch† from the Governor-General of the Union of South Africa enclosing a copy of a Minute from his Ministers regarding the application of the Class Areas Bill to Japanese subjects.

I am to observe that in view of the dissolution of the Union Parliament it is, of course, not possible to say whether, and, if so, in what form, the Bill referred to will ultimately be enacted.

I am, &c.,
C. T. DAVIS.

* 14360; not printed; enclosed copy of No. 74.

† No. 78.

28274

No. 81.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th June, 1924.)

SIR, Foreign Office, S.W.1, 14th June, 1924.
 WITH reference to Colonial Office letter of 6th June,* I am directed by Mr. Secretary Ramsay MacDonald to state that, in view of political events in South Africa, it does not appear to be necessary at the present time to transmit to the Japanese Ambassador the information therein contained regarding the Class Areas Bill.

2. Mr. Ramsay MacDonald therefore prefers to leave Baron Hayashi's inquiry unanswered for the present, but he would be glad if Mr. Secretary Thomas would keep the Japanese representations before the notice of the new South African Government, and would inform him, so soon as a definite decision has been reached in regard to the future of the Bill, as to what reply they consider suitable to meet the points raised by the Japanese Government.

I am, &c.,
 B. C. NEWTON.

28274

No. 82.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by Nos. 84 and 85.]

(No. 216.)

MY LORD, Downing Street, 8th July, 1924.
 I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 213 of the 29th of April,† regarding the application of the Class Areas Bill to Japanese subjects, and to request you to inform your Ministers that, in view of the dissolution of the Union Parliament before the Bill had been passed, the Secretary of State for Foreign Affairs has not communicated further with the Japanese Ambassador in the matter. Mr. Ramsay MacDonald would, however, be glad to be informed, so soon as a decision has been reached in regard to the future of the Bill, what reply your Ministers think suitable to meet the points raised by the Japanese Government.

I have, &c.,
 J. H. THOMAS.

33386

No. 83.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th July, 1924.)

(No. 309.)

SIR, Governor-General's Office, Pretoria, 20th June, 1924.
 I HAVE the honour to transmit to you herewith, with reference to your despatch No. 152 of the 22nd May, 1924,‡ copy of a Minute from Ministers, on the subject of the application of the Class Areas Bill to Afghans.

I have, &c.,
 ATHLONE,
 Governor-General.

* No. 80. † No. 78. ‡ No. 79.

Enclosure in No. 83.

Prime Minister's Office, Pretoria, 19th June, 1924.

MINUTE 463.

WITH reference to His Excellency the Governor-General's Minute No. 15/1216 of the 11th June, 1924, on the subject of the application of the Class Areas Bill to Afghans, Ministers have the honour to state that, in view of the dissolution of the House of Assembly, the Bill was not proceeded with.

J. C. SMUTS.

41619

No. 84.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st September, 1924.)

[Answered by No. 86.]

(No. 413.)

SIR, Governor-General's Office, Cape Town, 15th August, 1924.
 WITH reference to your despatch No. 216 of the 8th July* regarding the application of the Class Areas Bill to Japanese subjects, I have the honour to enclose herewith an extract from the press containing a statement by the Prime Minister that the Government had decided to abandon this Bill. The despatch under reference has been referred to Ministers for consideration, and their reply will be communicated to you as soon as it is received.

I have, &c.,
 ATHLONE,
 Governor-General.

Enclosure in No. 84.

EXTRACT FROM *Cape Times* OF 30TH JULY, 1924.

MR. J. S. MARWICK (S.A.P., Illovo) asked the Prime Minister:

(1) Whether the Government would introduce legislation to prevent Indians from buying farms in Natal in juxtaposition with land held by European farmers, and, if so, when;

(2) whether it was the intention of the Government to proceed with the passing of the Class Areas Bill, which had reached the second reading stage during the last session of Parliament; or

(3) whether the Government intended to introduce any other Bill to provide for the segregation of the Asiatic population in the towns into separate residential and trading areas; and, if so, when; and

(4) to what extent would the Government carry out a policy of compulsorily repatriating Asiatics at present in Natal who originally came to that Province as labourers or as traders from India, Arabia and elsewhere?

The Premier replied as follows: (1), (3) and (4) These matters will receive the consideration of the Government after the present session. (2) It is not intended to proceed with the measure.

43773

No. 85.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15th September, 1924.)

[Answered by No. 87.]

(No. 437.)

SIR, Governor-General's Office, Cape Town, 28th August, 1924.
 I HAVE the honour to transmit to you, herewith, with reference to your despatch No. 216 of the 8th July, 1924, and to my despatch No. 413 of the 15th August, 1924,† Ministers' Minute on the subject of the abandonment of the Class Areas Bill.

I have, &c.,
 ATHLONE,
 Governor-General.

* No. 82. † Nos. 82 and 84.

Enclosure in No. 85.

Kantoor Van de Eerste Minister, 27th August, 1924.

MINUTE 668.

WITH reference to His Excellency the Governor-General's Minute No. 15/1224 of the 30th July, 1924, and previous correspondence in regard to the application of the Class Areas Bill to Japanese subjects, Ministers have the honour to state that they have decided not to proceed with the Bill in the form in which it was introduced into Parliament in the first Session of 1924. The matter of legislation affecting Asiatics will receive their consideration after the conclusion of the present Session.

J. B. M. HERTZOG.

43488

No. 86.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 290.)

MY LORD,

Downing Street, 17th September, 1924.

WITH reference to Your Excellency's despatch No. 413 of the 15th of August,* I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a Note sent to the Japanese Ambassador regarding the Class Areas Bill.

I have, &c.,
(for the Secretary of State),
ARNOLD.

Enclosure in No. 86.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 11th September, 1924.

WITH reference to Your Excellency's Note No. 41 of 17th March, I have the honour to inform you that, according to a reply given by the Prime Minister of South Africa to an interpellation in the Union Parliament on 20th July, his Government do not intend to proceed with the Class Areas Bill.

I have, &c.,
(for the Secretary of State),
S. P. WATERLOW.

His Excellency

Baron Gonsuke Hayashi, G.C.V.O.,
&c. &c. &c.

45460

No. 87.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 290.)

MY LORD,

Downing Street, 27th September, 1924.

WITH reference to Your Excellency's despatch No. 437 of the 28th August,† I have the honour to transmit to you, to be laid before your Ministers, the accompanying copy of a note addressed to the Japanese Ambassador regarding the Class Areas Bill.

I have, &c.,
(for the Secretary of State),
ARNOLD.

* No. 84. † No. 85.

Enclosure in No. 87.

YOUR EXCELLENCY,

Foreign Office, S.W.1, 23rd September, 1924.

WITH reference to my note of 11th September, I have the honour to add, for the information of Your Excellency's Government regarding the South African Class Areas Bill, that the Union Government have decided not to proceed with the Bill in the form in which it was introduced in the South African Parliament in the first session of 1924; but that the matter of legislation affecting persons of Asiatic origin will receive the Government's consideration after the conclusion of the present session.

I have, &c.,
(For the Secretary of State),
S. P. WATERLOW.

His Excellency

Baron Gonsuke Hayashi, G.C.V.O.,
&c. &c. &c.

(b) Correspondence regarding certain Natal Provincial Ordinances.

43452

No. 88.

THE DEPUTY GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th August, 1921.)

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 10th August, 1921.

WITH reference to my telegram of the 6th August* informing you that on the advice of my Ministers in Executive Council I had withheld assent to the Rural Dealers' Licensing Ordinance, No. 9 of 1921 (Natal), I have the honour to transmit, for your information, a copy of the Minute of Executive Council to which is attached the opinion of one of the Law Advisers. I also enclose a copy of the Ordinance† as passed by the Natal Provincial Council.

I have, &c.,
J. ROSE INNES,
Deputy for the Governor-General.

Enclosure in No. 88.

Prime Minister's Office, Pretoria.

MINUTE.

MINISTERS have the honour to submit for the consideration of His Royal Highness the Governor-General, the Rural Dealers' Licensing Ordinance, 1921, passed by the Provincial Council of the Natal Province, and to recommend under Section 90 of the South Africa Act, 1909, that His Royal Highness withhold his assent to the Ordinance.

F. S. MALAN.

THE RURAL DEALERS' LICENSING ORDINANCE (NATAL), 1921.

SECTION 2 of this Ordinance clearly limits its area of operation to that part of the Province of Natal which lies outside boroughs and local townships; yet sub-section (2) of Section 4, by applying the words "in so far as they relate to the area to which this Ordinance applies" only to Sections 4 and 6 of Act No. 18 of 1897, and not to the other provisions repealed by the sub-section, namely, the proviso of Section 5 (1) and Sections 6 and 7 of Ordinance No. 6 of 1916, suggests the idea that the parts of Ordinance No. 6 of 1916 mentioned are repealed in every respect. In any question arising at law as to this inconsistency the Courts would probably

* No. 122 in Dominions No. 74. † Not printed here.

say that the provision of Section 2 is effective, and that, notwithstanding the contrary suggestion in sub-section (2) of Section 4, the parts indicated of Ordinance No. 6 of 1916 are repealed only in so far as their applicability to areas outside boroughs and townships is concerned. It is regrettable, however, that the ambiguity should have occurred.

Accepting it then that the intention is to confine the operation of the repeals enacted by sub-section (2) of Section 4 of the Ordinance only to areas outside boroughs and local townships, the question falls for consideration whether the Ordinance takes away any right existing at the commencement of the Financial Relations Act, No. 10 of 1913, to appeal to a Court of Law against the refusal to renew any licence to trade which was in existence on that date. If the Ordinance does this, it is *ultra vires* as being repugnant to the provision of sub-section (3) of Section 11 of that Act.

In this connexion, the matter of the repeal of Section 6 of Act No. 18 of 1897 and Section 6 and 7 of Ordinance No. 6 of 1916 demands consideration. The first of these provisions enacts that in respect of a Licensing Officer's decision against the grant of a wholesale or retail licence there shall be a right of appeal by the applicant or any other person having an interest in the question to the Town Council or the Town Board, or if the licence is sought for elsewhere than in a borough or township to the Licensing Board of the Division appointed under the Liquor Act, 1896. Section 6 of Ordinance No. 6 of 1916 grants a similar right of appeal against a Licensing Officer's decision in the matter of the transfer of a licence. By Section 7 of Ordinance No. 6 of 1916 the Administrator is empowered, upon a resolution to that effect being passed by the Executive Committee, to proclaim that appeals from decisions of the Licensing Officer shall be heard and determined by a Board appointed by him for the whole Province, or for any specific part of the Province instead of by the Licensing Board appointed by Section 6 of Act No. 18 of 1897.

It appears that the substantial difference between the law previously existing and that now proposed to be put into operation is that, whereas in areas outside boroughs and townships applications for wholesale or retail licences were made to a Licensing Officer with appeal to a certain Board, applications will now have to be made directly to a local Board constituted for the area in which the licence is desired consisting of a Chairman and four other members appointed by the Administrator. Applications for licences are to be addressed to the Officer appointed for that purpose by the Administrator, and the Board are to meet as often as may be required for the despatch of business.

Thus far it does not appear that this enactment conflicts with the provision of sub-section (3) of Section 11 of Act No. 10 of 1913. The Board to which appeal might previously have been made from the decision of a Licensing Officer was not a Court of Law within the meaning of that sub-section, but an administrative body. Whether an applicant for a licence under the new provisions is likely to suffer any prejudice by reason of the fact that instead of his application being adjudicated upon in the first instance by a Licensing Officer—presumably a public officer free from local prejudices—with appeal to the Liquor Licensing Board of the area or a Board constituted by the Administrator under Section 7 of Ordinance No. 6 of 1916, he must now make his application directly to a local Board specially constituted for the area by the Administrator, which may to a large extent reflect the popular feeling of the area, is another matter, which, however, does not touch the legal question involved.

The right of appeal to the Supreme Court or to a Circuit Court against a decision given against the applicant for the renewal of a licence, or to an unsuccessful objector before the Appeal Board granted by Section 2 of Act No. 22 of 1909 was, it seems, proposed by the framers of the Ordinance to be retained; but the drafting of the Ordinance is so faulty as probably to result in a construction which might deprive an applicant for a wholesale or retail licence in a rural area of such right of appeal. For this right of appeal given by Section 2 of Act No. 22 of 1909 is, in the express terms of that section, against a decision given under Section 6 of Act No. 18 of 1897; but Section 6 of Act No. 18 of 1897, in so far as rural areas are concerned, is repealed by sub-section (2) of Section 4 of the new Ordinance. It was evidently thought by the framers of the new Ordinance that the provision made in sub-section (2) of Section 4 that reference

to Licensing Officers or Boards in Act No. 18 of 1897 or its amendments, should be construed as references to Licensing Boards under this Ordinance, combined with the provision that the words "the next section" occurring in Section 5 of Act No. 18 of 1897 should be altered to "Section 2 of Act No. 22 of 1909" would result in the retention, so far as rural areas were concerned, of the right of appeal granted by Section 2 of Act No. 22 of 1909. But the fact remains that the appeal granted under Section 2 of Act No. 22 of 1909 is one against a decision given under Section 6 of Act No. 18 of 1897, which section, so far as rural areas are concerned, is repealed.

The tendency of the Courts to adhere to the literal meaning of statutory provisions even where such meaning might vary from what is elsewhere indicated in the statute as the actual intention of the legislature was well exemplified in the case of *Rex versus James* (1917, C.P.D. 596). The Cape Legislature, in passing the Native Voters Relief Act, No. 39 of 1887, provided in Section 6 a penalty for anyone who should personate any registered voter in applying for the certificate provided in the fourth section of the Act. But the certificate in question was mentioned not in the fourth section of the Act but in the fifth section, and the Court quashed a conviction under Section 6 for this offence of personation, holding that on the literal construction of the section no offence was created. In the result the public mischief which the section was designed to meet continued until the matter was rectified by the Legislature by Act No. 24 of 1920.

If then on a true construction of the provision now under consideration, the right of appeal to a Court from the Board's decision hitherto open to applicants in rural areas for the renewals of wholesale and retail dealers' licences is withdrawn, the provision is *ultra vires* as being in conflict with sub-section (3) of Section 11 of Act No. 10 of 1913. But it is probable that redress against such an invalid provision would be extended by the Courts, for at the instance of an unsuccessful applicant for renewal before the Board who was prepared to test the matter by appealing under the hitherto existing provision of Section 2 of Act No. 22 of 1909, the Courts would investigate the matter and in all probability rule the provision withdrawing the right of appeal to be *ultra vires*. In the ultimate result therefore the present right of appeal would remain.

Sections 15, 16 and 17 of the proposed Ordinance are *ultra vires*. The Council has no power to establish or alter any procedure of the Supreme Court. See *Germiston Municipality versus Angehrn and Piel* (1913, T.P.D. 135).

Section 20 of the Ordinance is *ultra vires*. It is not competent for the Council to impose duties upon the Taxing Officers of Magistrates Courts.

The Ordinance, it may be added, is not open to successful attack at law on the ground that it treats of a matter specially or differentially affecting Asiatics.

C. LANSDOWN.

Department of Justice,

Pretoria.

22nd July, 1921.

44967

No. 89.

INDIA OFFICE to COLONIAL OFFICE.

(Received 7th September, 1921.)

SIR,

India Office, 7th September, 1921.

I AM directed by the Secretary of State for India in Council to transmit to you, for the information of Mr. Secretary Churchill, copy of telegraphic correspondence with the Government of India, on the subject of the Natal Township Franchise Ordinance which has been disallowed by the Governor-General of the Union of South Africa.

I am, &c.,

F. W. DUKE.

Reference to previous correspondence: Letter to the India Office of the 4th August, 1921,* and d.o. correspondence.

* 37496; not printed; enclosed copy of No. 121 in Dominions No. 74.

Enclosure 1 in No. 89.

TELEGRAM FROM THE VICEROY, COMMERCE DEPARTMENT, to THE SECRETARY OF STATE FOR INDIA.

(14th July, 1921.)

1516 S. Your telegram dated 25th May, P. (sic 6 ? 1). According to a Reuter's telegram dated Cape Town, 7th July, Natal Provincial Council have passed Ordinance, object of which is to prevent Asiatics in future from acquiring municipal vote, though those now on roll of voters will continue to be entitled to be enrolled. We presume that this refers to Hulett's Draft Ordinance, amending Local Townships Law of 1881, which, we understand, aims at restricting municipal vote to natives of countries which possessed elective institutions founded on parliamentary franchise prior to passing of South Africa Act of 1909, or their descendants in male line.

2. If these presumptions are correct, we recommend grave effect on Imperial relations of policy at present followed by Natal Government may be impressed on Union Government. Passing of Durban Corporation Extended Powers Ordinance, 1920, and amending Ordinance relating to conveyance persons and things, by Town Council of Borough of Durban, with assent of Governor-General, have roused very bitter feelings among Indians. Anxiety of Natal Government to hasten through legislation increasing differentiation between position of Indians born or domiciled in Natal and that of their European fellow subjects, before Union Government have declared their attitude regarding report of Asiatic Inquiry Commission, is noted here, and keenly resented. No evidence has reached us to show that Indian community in Natal have ever abused their right of exercising municipal franchise. We are still awaiting from you further information regarding this Ordinance, and in the meantime would suggest that Governor-General in Council may be moved to exercise his powers under sections 90 and 147 of South Africa Act, 1909.

Enclosure 2 in No. 89.

TELEGRAM FROM SECRETARY OF STATE FOR INDIA to VICEROY, REVENUE AND AGRICULTURE DEPARTMENT.

(23rd August, 1921.)

P.—4317. Your Commerce Department telegram No. 1516, dated 14th July. Official announcement has now been made that Governor-General of South Africa has withheld his assent to Natal Townships Franchise Ordinance, 1921.

55700

No. 90.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.10 p.m., 7th November, 1921.)

TELEGRAM.

(Extract.)

7TH NOVEMBER. Your telegram of 30th September.* Object of Natal Rural Dealers Licensing Ordinance is stated to have been vesting of licensing authority in district Boards instead of single officer. Representatives of Natal Indian Congress attended before Select Committee and their views are summarized in following four points in written statement submitted to Committee: (One) That the Chairman of the Licensing Board should be a Magistrate or an Advocate. (Two). That the consideration of any application should be guided by a code of regulations and should not be left to discretion of the Officer administering the law. (Three). That there should be a right of appeal in all licensing cases to the local division of the Supreme Court. (Four) That in the case of refusal of any application, reason for such refusal should be filed for record within a specified time.

—ARTHUR FREDERICK.

* 48028: not printed; embodied substance of No. 126 in Dominions No. 74.

55700

No. 91.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 15th November, 1921.

WITH reference to your letter of the 23rd September,* I am directed by Mr. Secretary Churchill to transmit to you, for the information of Mr. Secretary Montagu, an extract from a telegram from the Governor-General of the Union of South Africa regarding the Natal Rural Dealers Licensing Ordinance.

2. A copy of the opinion† of one of the Union Law Advisers on this Ordinance, in view of the terms of which generally assent to the Ordinance was withheld, is also enclosed.

I am, &c.,

H. J. READ.

15707

No. 92.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd April, 1922.)

[Answered by No. 93.]

SIR,

India Office, Whitehall, London, S.W.1, 1st April, 1922.

WITH reference to the letter from this Office dated 21st [15] September, 1921,§ relating to the Natal Rural Dealers' Licensing Ordinance and the Natal Township Franchise Ordinance, I am directed by Viscount Peel to transmit for the information of Mr. Secretary Churchill copy of a letter which has been received from the Indian Overseas Association with enclosure, from which it appears that similar bills are now being introduced again in the Provincial Council.

With reference to the correspondence ending with Colonial Office letter dated 27th January, 1922,|| regarding the supply of information to India on questions affecting Indians in the Dominions, I am to suggest that, if Mr. Churchill sees no objection, the Government of South Africa may be requested by telegraph to send home, and to the Government of India direct, copies of these bills, together with any other information on the subject that may be of interest, and to keep the Government of India and His Majesty's Government informed of the position; it is presumed that the Governor-General's assent will not be given to ordinances on the lines of those to which assent last year was withheld.

I am, &c.,

L. J. KERSHAW.

Secretary,

Industries and Overseas Department.

Enclosure in No. 92.

Indians Overseas Association,

47-48, Dane's Inn House, 265, Strand, W.C.2,

22nd March, 1922.

SIR,

I HAVE the honour to enclose herewith a copy of a telegram received by my Association from the Peter-Maritzburg Branch of the Natal Indian Congress, dated the 21st instant.

2. My Committee beg to request that the Secretary of State in Council will take this matter up at an early date with the Colonial Office, with a view to avoid further friction in Natal.

I have, &c.,

H. S. L. POLAK,

Hon. Secretary.

The Under Secretary of State.

India Office, S.W.1.

No. 126 in Dominions No. 74. † No. 90. ‡ Enclosure in No. 88. § 46243: not printed
(see No. 126 in Dominions No. 74). || 57409: not printed.

TELEGRAM RECEIVED 22ND MARCH, 1922, BY THE INDIAN OVERSEAS ASSOCIATION FROM THE NATAL INDIAN CONGRESS, PETER-MARITZBURG, DATED 21ST MARCH.

TOWNSHIP Bill depriving Indians of township franchise and Licensing Bill operating in rural districts abolishing rights of appeal to Board being reintroduced Natal Council now, similar measures vetoed last year. Indians seriously view Bills as depriving existing rights appeal through you Imperial Government intervention.

15707

No. 93.

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 8th April, 1922.
I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 1st April* regarding the reintroduction of the Natal Township Franchise Ordinance and the Natal Rural Dealers' Licensing Ordinance.

2. As no reply has yet been received to his despatch of the 27th January† (a copy of which was enclosed in the letter from this Office of the 27th January†), Mr. Churchill has addressed to the Governor-General of the Union of South Africa a despatch,‡ of which a copy is enclosed, regarding these particular Ordinances, but, in view of the general request already made, Mr. Churchill thought it hardly necessary to make the present request by telegram. He assumes that, in the event of a favourable reply being received to the despatch of the 27th January, there will be no occasion for him to make any such Bills in the future the subject of special inquiry.

I am, &c.,
C. T. DAVIS.

15707

No. 94.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 122.)

SIR, Downing Street, 8th April, 1922.
WITH reference to Your Royal Highness's despatch, No. 723, of the 7th November, 1921,§ and previous correspondence, I have the honour to request you to inform your Ministers that according to a telegram from the Natal Indian Congress, Peter-Maritzburg, to the Indian Overseas Association, a copy of which has been received at the India Office, the Natal Township Franchise Ordinance, and the Natal Rural Dealers' Licensing Ordinance, are being reintroduced into the Provincial Council.

2. In this connexion I have to refer to my despatch Dominions No. 32 of the 27th January,† and to state that the Secretary of State for India would be obliged if your Ministers could arrange to send to him, and also to the Government of India direct, copies of these Bills, with any other information on the subject that may be of interest, and to keep him and the Government of India informed of the position.

I have, &c.,
WINSTON S. CHURCHILL.

18344

No. 95.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th April, 1922.)

(Confidential.)

SIR, Government House, Cape Town, 28th March, 1922.
WITH reference to my despatch Confidential of the 10th August, 1921,|| I have the honour to inform you that the Natal Provincial Administration has now published a new draft Rural Dealers' Licensing Ordinance.

2. Copies of the draft accompany my despatch No. 122 of 27th March.

* No. 92. † 57408: not printed. ‡ No. 94. § No. 128 in Dominions No. 74. || No. 88.

3. In the "opinion" enclosed with my despatch under reference, it was pointed out that, whatever the intentions of the framers of the Ordinance may have been, the fact remained that the appeal granted under Section 2 of Act No. 22 of 1909 is one against a decision given under Section 6 of Act No. 18 of 1897, which Section, so far as rural areas were concerned, it was proposed to repeal. In the new draft this point has been met by an express provision extending the right of appeal granted in Act No. 22 of 1909 to appeals against decisions of a Licensing Board appointed under the Ordinance.

4. Of the Sections (Nos. 15, 16, 17 and 20) which were definitely stated to be *ultra vires*, Nos. 16 and 17 do not appear in the new draft. Section 15 has been expanded. It appears open to the objection previously taken, of the validity of which I am not satisfied. Section 20 has been amended to meet the objection made.

5. Otherwise the terms of the new draft follow the lines of the Ordinance to which assent was refused, and no attempt is made to meet the views of the Indians as summarized in the enclosure to my despatch No. 723 of the 7th November, 1921.*

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

18345

No. 96.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th April, 1922.)

(Confidential.)

SIR, Government House, Cape Town, 29th March, 1922.
WITH reference to my telegram of the 16th August, 1921,† informing you that assent to the Natal Township Franchise Ordinance, 1921, had been withheld on the ground that it was *ultra vires*, I have the honour to transmit, for your information, a draft of a new Ordinance‡ published in the *Natal Provincial Gazette* of the 2nd March, 1922, and which Mr. G. H. Hulett proposes to introduce into the Provincial Council.

2. Its terms are identical with that of the Ordinance disallowed, except for the substitution of the Governor-General-in-Council for the Executive Committee of the Province as the authority empowered to grant exemption from its provisions. It is still open to the main objection that it will disfranchise a number of Asiatics who are or may become entitled under the existing law to be placed on the township roll.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

18345

No. 97.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 98.]

SIR, Downing Street, 9th May, 1922.
WITH reference to the letter from this Department of 8th April,§ I am directed by Mr. Secretary Churchill to transmit to you, for the information of Viscount Peel, copies of a new draft Township Franchise Ordinance† and of a new draft Rural Dealers' Licensing Ordinance,‡ which have recently been published by the Natal Provincial Administration.

2. As regards the former it will be observed that its terms are identical with those of the previous Ordinance, except for the substitution of the Governor-General in Council for the Executive Committee of the Province as the authority empowered to grant exemption from its provisions.

* No. 128 in Dominions No. 74. † No. 124 in Dominions No. 74. ‡ Not printed here. § No. 93.

3. As regards the latter, it will be observed that the point mentioned in the legal opinion, on the previous Rural Dealers' Licensing Ordinance (a copy of which was enclosed in the letter from this Department of the 15th November, 1921,* as to the right of appeal has been met by an express provision extending the right of appeal granted in Act No. 22 of 1909 to appeals against decisions of a Licensing Board appointed under the Ordinance.

4. Of the Sections (Nos. 15, 16, 17 and 20), which were definitely stated to be *ultra vires*, Nos. 16 and 17 do not appear in the new draft. Section 15 has been expanded. Section 20 has been amended to meet the objection made.

5. Otherwise the terms of the new draft follow the lines of the previous Ordinance.

I am, &c.,
C. T. DAVIS.

24000

No. 98.

INDIA OFFICE to COLONIAL OFFICE.

(Received 19th May, 1922.)

[Answered by No. 99.]

SIR, India Office, Whitehall, London, S.W., 18th May, 1922.

I AM directed by Viscount Peel to acknowledge the receipt of your letters of 16th May,† and of 9th May,‡ transmitting copies of the new draft Townships Franchise Ordinance and of the new draft Rural Dealers' Licensing Ordinance which have recently been published by the Natal Provincial Administration.

2. As regards the former Ordinance it is understood that when the Governor-General withheld his assent to the Natal Townships Franchise Ordinance of 1921, the reason was that in the opinion of the Union Law Advisers that Ordinance was *ultra vires*. It is observed that the terms of the present Ordinance are identical with those of the previous one, except for the substitution of the Governor-General in Council for the Executive Committee of the Province as the authority empowered to grant exemption from its provisions. I am to inquire whether the report of the Union Law Advisers on the Ordinance of 1921 has been received at the Colonial Office. Lord Peel would be glad to receive a copy of it or any information showing what were the points in regard to which that Ordinance was held to be *ultra vires* and whether the change made in the present Ordinance has been introduced with a view to meeting those points.

3. Mr. Churchill is aware that the Government of India would desire to make the most urgent representations against the enactment of any Ordinance which would have the effect of depriving the Indian community in Natal of the right to the township franchise that it at present enjoys. The representatives of India at the Premiers' Conference last year took advantage of the presence of General Smuts at the Conference to make personal representations to him in regard to the Ordinance which had been passed by the Natal Council at that time, and urged that His Royal Highness the Governor-General should be advised not to assent to the Ordinance. Attention is also invited to the telegram from the Viceroy dated 14th July, 1921, copy of which was communicated to the Colonial Office with India Office letter dated 7th September, 1921.§

4. It is presumed that on receipt of Mr. Churchill's despatch to the Governor-General, No. 122, dated 8th April, 1922,|| if not before, copies of the present Bills will have been despatched direct to the Government of India, but as that Government may not yet have received the Bills and had time to consider them, Lord Peel would suggest, for Mr. Churchill's urgent consideration, that a telegram should be addressed to the Governor-General inquiring what is the attitude of the Union Government to the draft Townships Franchise Ordinance in its present form, and whether, in the event of its being passed by the Provincial Council, the Governor-General in Council would again be prepared to withhold his assent, in view of the serious Imperial considerations involved, and urging that a decision to assent to the Ordinance should at any rate not be taken until the Union Government are in receipt of the views of the Government of India.

* No. 91. † 20130: not printed; forwarded extract from *Cape Times* of 23rd March, 1922.
‡ No. 97. § No. 89. || No. 94.

5. As regards the Rural Dealers' Licensing Ordinance also, Lord Peel would suggest that the Union Government should be requested by telegraph not to come to any final decision in the matter until the Government of India have had an opportunity of addressing them, should they so desire. The whole question of the Licensing Laws throughout the Union was dealt with in the despatch recently addressed by the Government of India to the Union Government, copy of which was communicated to the Colonial Office with India Office letter dated 2nd February, 1922.* Lord Peel would suggest that the Union Government might be asked to telegraph information (repeating it to the Government of India) as to whether there is any opposition on the part of the local Indian community towards this Ordinance in its present form, and if there is any substantial opposition, to consider the desirability of not sanctioning any particular amendment of the Licensing Law in Natal pending a comprehensive consideration of the whole question of the Licensing Laws throughout the Union as the result of the recommendations of the Asiatic Inquiry Commission.

6. I am to add that Lord Peel notes the suggestion in Mr. Davis's letter of 8th April† that, in the event of the Union Government acceding (as they have now done) to the general request that they should forward to the Government of India copies of Provincial Bills, etc., specially and differentially affecting Indians, there would be no occasion for Mr. Churchill to make any such Bills in the future the subject of special inquiry; but he has ventured, nevertheless, to suggest certain inquiries in the cases of these two Bills because they are the first to which the new arrangement will have been applied, and moreover because they have a previous history with which the Government of India are naturally not specially familiar, so that that Government may take time, even after receipt of the documents, before they are able to express their considered views to the Government of the Union of South Africa, though there is no doubt that they would desire to make representations in regard at any rate to the Township Franchise Bill before a final decision is taken.

I am, &c.,
F. W. DUKE.

24000

No. 99.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 100.]

SIR, Downing Street, 31st May, 1922.

WITH reference to your letter of 18th May,‡ regarding the new draft Natal Township Franchise and Rural Dealers' Licensing Ordinances, I am directed by Mr. Secretary Churchill to state, for the information of Viscount Peel, that no report by the Law Advisers to the Government of the Union of South Africa upon the Natal Township Franchise Ordinance of 1921 was received in the Colonial Office. Mr. Churchill cannot say whether the objections which led the Union Government to refuse assent to the Ordinances of last year have been met, but it appears to him very desirable, especially having regard to the debate in the Union Senate of which a copy was enclosed in the letter from this Department of the 16th May,§ that if the new Ordinances, in the event of their passing the Provincial Council, were found to call for the refusal of assent, the Union Government should be able to state that they were not pressed to refuse assent by His Majesty's Government. It will further be remembered that in the report of one of the Union Legal Advisers on the draft Rural Dealers' Licensing Ordinance of 1921 (see the letter from this Department of 15th November, 1921||) it was stated that the Ordinance was not open to attack at law on the ground that it treated of a matter specially or differentially affecting Asiatics.

2. Mr. Churchill does not, therefore, feel that it is desirable for him to communicate with the Governor-General in the sense suggested in your letter: though it would, of course, be open to Lord Peel to telegraph to the Indian Government regarding the two Ordinances and for the Indian Government to telegraph direct to the Union Government. In this connexion, however, I am to refer to the letter from this Department of the 30th May,¶ which enclosed a copy of a despatch** from the Governor-General containing the reply of the Union Government to the Indian.

* No. 48. † No. 93. ‡ No. 98. § 20130: not printed; forwarded extract from *Cape Times* of 23rd March, 1922. || No. 91. ¶ No. 63. ** No. 51.

Government's despatch relative to the position of Indians in the Union. The reply indicates the difficulties of approaching the Union Government in matters of the kind.

I am, &c.,
C. T. DAVIS.

29671

No. 100.

INDIA OFFICE to COLONIAL OFFICE.

(Received 21st June, 1922.)

[Answered by No. 102.]

Sir,

India Office, Whitehall, London, S.W., 20th June, 1922.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of 31st May,* regarding the new draft Township Franchise Ordinance and Rural Dealers' Licensing Ordinance, which are being re-introduced in the Natal Provincial Council.

2. Viscount Peel notes that, for the reasons stated in your letter, Mr. Secretary Churchill does not feel that it is desirable to communicate with the Union Government in the sense suggested.

3. The Government of India have already addressed the Union Government direct regarding these two Ordinances in the telegram repeated in the Viceroy's telegram of 26th May, of which a copy is enclosed.

4. A telegram has also been received from the Government of India in which they observe that, according to the newspaper *Indian Opinion*, dated 14th April, the Durban Town Council are preparing a private draft Ordinance, enabling them, when selling or leasing immovable property, legally to restrict ownership or occupation to Europeans, Asiatics, or natives. The Government of India remark that the object of such legislation would apparently be to carry out a gradual policy of segregation as recommended in paragraphs 200 and 201 of the Report of the Asiatic Inquiry Commission, on which they have already commented in paragraph 7 of their despatch dated 27th December, 1921,† addressed to the Governor-General of the Union of South Africa. The Government of India urge in their telegram that legislation of this character should not be accepted until a decision is arrived at on the question of general policy arising out of the recommendations of the Commission.

5. I am to inquire whether Mr. Churchill considers that the objections which he feels to addressing the Union Government in regard to the other two Ordinances would apply also to an inquiry as to the position in regard to this particular Ordinance now reported to be in contemplation, which would appear to aim at differentiation between Europeans, Asiatics and natives, and might accordingly perhaps be considered to be *ultra vires* in view of the terms of Section 147 of the South Africa Act. If in these circumstances Mr. Churchill feels able to approach the Union Government regarding the Durban Ordinance, Lord Peel would suggest that a telegram of inquiry might be addressed to the Governor-General as to this Ordinance and the probable attitude of the Union Government on the question of giving or withholding assent to it in the event of its being passed.

6. Lord Peel is telegraphing to the Government of India explaining the reasons why Mr. Churchill would prefer not to communicate with the Union Government regarding the other two Ordinances.

I am, &c.,
J. C. WALTON.

Enclosure in No. 100.

TELEGRAM FROM THE VICEROY, SIMLA, to SECRETARY OF STATE FOR INDIA.

(Received 8 a.m., 27th May, 1922.)

26TH MAY. 259 R.A. In continuation of our telegram dated 22nd May, 252 R.A., Natal Draft Ordinances. Following sent to Union Government to-day. Begins: We understand that Natal Rural Dealers Licensing Ordinance, and Natal

* No. 99. † Enclosure in No. 48

Township Franchise Ordinance, which were passed in Natal Provincial Council last year, but did not receive Your Royal Highness's assent, have been re-introduced. The Secretary of State for India has suggested to us that we should telegraph any observations that we wish to offer on this subject to Your Royal Highness's Government direct.

Paragraph 2. It appears that an attempt has been made to revise former Ordinance so as to meet objections detailed in Lansdown's Note dated 22nd July, 1921. The revised Ordinance differentially affects Indians, by excluding them, under Section 6 (2), from appointments on Licensing Board, and remains open to objections urged by Natal Indian Congress, and detailed in your telegram dated 7th November. The Ordinance deals with a subject on which the Asiatic Inquiry Commission has made specific recommendations. In particular we would invite attention to paragraph 204 of their Report, in which they advocate a uniform Licensing law throughout the Union, in place of provincial legislation. While the general policy to be adopted still forms subject of correspondence between us and Union Government, we trust that it may be possible to prevent any local legislation adversely affecting Indian community.

Paragraph 3. We do not know on what grounds your law adviser held, last year, that the latter Ordinance was *ultra vires*; but here, too, it is possible that the addition made in the draft Ordinance has altered the position. Recent anti-Indian legislation in Natal has aroused very bitter feelings among Indians. This further curtailment of their rights, and differentiation in status between domiciled Indians and their European fellow-subjects, before Union Government have declared their attitude regarding report of Asiatic Inquiry Commission, cannot fail to provoke resentment here, and to react on the good relations that subsist between this Empire and the South African Union. No evidence has reached us to show that Indian community in Natal has ever abused their right of exercising municipal franchise. We feel confident that Your Royal Highness's Government will appreciate the importance which we attach to preventing any legislation which may prejudice final decision regarding status of Indians in South Africa. Ends.—SECRETARY TO THE GOVERNMENT OF INDIA, Revenue and Agriculture Department.

30391

No. 101.

INDIA OFFICE to COLONIAL OFFICE.

(Received 24th June, 1922.)

Sir,

India Office, 24th June, 1922.

I AM directed by the Secretary of State for India in Council to transmit to you, for the information of the Secretary of State for the Colonies, copy of a telegram from Viceroy on the subject of the Natal Draft Rural Dealers Licensing Ordinance and Township Franchise Ordinance.

I am, &c.,
F. W. DUKE.

Reference to previous correspondence: Letter to the India Office of the 31st May, 1922,* and connected correspondence.

Enclosure in No. 101.

TELEGRAM.

FROM THE VICEROY, SIMLA, to SECRETARY OF STATE FOR INDIA.

(Received 10 a.m., 18th June, 1922.)

17TH JUNE. 304 R.A. Your telegram dated 4th June, 2143, Natal Draft Ordinances. Following telegram, dated 10th June, received from Imperial Indian Citizenship Association:

Begins: Committee, Imperial Indian Citizenship Association, strongly protests against Rural Dealers' Licensing Ordinance, Natal, and emphatically

* No. 99.

urges Government to impress upon His Royal Highness the Governor-General of South Africa, the necessity of disallowing both Ordinances, being contrary to Smuts-Gandhi Agreement of 1914, and to the spirit of Imperial Cabinet's recent resolution regarding equality of status, and subversive of all ties of mutual goodwill within the Empire. All India indignant at this deliberate attempt to throw Indian population of Natal into a position of helotry and helplessness, knocking down all hopes of a peaceful settlement of the Indian problem in South Africa engendered by Viceroy's sympathetic reply to South African Indian Deputation in March last. Rural Licensing Ordinance clearly abolishes all safeguards for justice and sympathetic treatment against arbitrary refusal of licences to Indians for pursuing ordinary avocations of life, and opens the door for relentless persecution, with a view to compel expatriation (of *adversus*) (or annihilation of) (sic *adverse*) Natal Indians. Town Franchise Ordinance equally subversive of long-standing rights of the Indian community in Natal. Committee is convinced that these Ordinances have created intense anti-Imperial feeling throughout the length and breadth of India, and earnestly solicit timely interference by the Government of India and the Secretary of State for India as absolutely necessary to avert the most disastrous consequences. *Ends.*

—SECRETARY TO GOVERNMENT OF INDIA, Revenue and Agricultural Department.

29671

No. 102.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 29th June, 1922.

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of June 20th,* regarding certain draft Ordinances which are being introduced in the Natal Provincial Council.

2. With regard to the suggestion that a telegram of inquiry should be addressed to the Governor-General of the Union as to the draft Ordinance referred to in the issue of *Indian Opinion* of the 14th April, Mr. Churchill feels that the preferable course of action would be that suggested in the letter from this Department of 31st May,† namely, direct communication between the Indian and the Union Governments. It is hoped that Lord Peel will be able to arrange for this course to be adopted.

I am, &c.,

C. T. DAVIS.

32754

No. 103.

INDIA OFFICE to COLONIAL OFFICE.

(Received 7th July, 1922.)

SIR,

India Office, 6th July, 1922.

I AM directed by the Secretary of State for India in Council to transmit to you, for the information of the Secretary of State for the Colonies, copies of telegrams from the Viceroy of India on the subject of the Durban Land Alienation Ordinance, Natal.

Reference to previous correspondence: Letter to the India Office of the 29th June, 1922.‡

I am, &c.,

F. W. DUKE.

Enclosure 1 in No. 103.

TELEGRAM FROM THE VICEROY, SIMLA, TO THE SECRETARY OF STATE FOR INDIA.

(Received 8 a.m., 23rd May, 1922.)

22ND MAY. 252 RA. Your telegram dated 19th May, 1921. We have not received yet two Draft Ordinances direct from Union Government, but we have

* No. 100. † No. 99. ‡ No. 102.

seen revised Natal Rural Dealers' Licensing Ordinance in *Indian Opinion*, dated 3rd March. It appears from Shaw's letter dated 31st October, 1921, received with letter dated 7th December, 2548, that grounds on which Governor-General withheld assent to this Ordinance were those given in Lansdown's memorandum, received with letter dated 18th November. We hope that in revised Ordinance an attempt has been made to meet the objections taken by Lansdown; we are doubtful, therefore, if the Governor-General will be able to withhold assent on same grounds as last year. The revised draft Ordinance is of general application, and does not differentially affect Indians, except by excluding them, under Section 6 (2) from appointment(s) on licensing board; but it is open to objection(s) urged by Natal Indian Congress, as summarized in Governor-General's telegram of 7th November last. We would suggest that, if the Ordinance is passed, the Governor-General might be possibly induced to withhold his assent on the general ground, among others, that it deals with a subject on which the Asiatic Inquiry Commission has made specific recommendations, which are still under consideration, and are forming subject of correspondence between us and Union Government. In particular, attention may be invited to Paragraph 204, in which they advocate a uniform Licensing Law throughout Union in place of Provincial Legislation.

2. With regard to revised draft Natal Township Franchise Ordinance, of which copy has been sent to us by British Trade Commissioner, South Africa, we do not know grounds on which Law Adviser held last year that it was *ultra vires*. It is possible that addition now made, enabling Governor-General to grant exemptions, may have altered position in this respect. Our views are still those expressed in our telegram dated 14th July last, No. 1516, S, and we trust that you will do everything possible to prevent this Ordinance passing into law.

3. We note also from *Indian Opinion* dated 14th April, that Durban Town Council is promoting private Draft Ordinance, enabling them, when selling or leasing immovable property, legally to restrict ownership or occupation to Europeans, Asiatics, or Natives. Object of such legislation would apparently be to carry out gradual policy of segregation, as recommended in Paras. 200 and 201 of Asiatic Inquiry Commission's Report. Our objections to this proposal are stated in paragraph 7 of our despatch, dated 19th December,* to Governor-General, and we would urge that legislation should not be accepted until decision is arrived at on general policy.

4. We are telegraphing substance of observations made in paragraph 1, paragraph 2 direct to Union Government, as suggested by you, and should be grateful if you can do anything further in support of our representations regarding all three Ordinances.

Secretary to Government of India,

Revenue and Agriculture Department.

Enclosure 2 in No. 103.

TELEGRAM FROM THE VICEROY, SIMLA, TO THE SECRETARY OF STATE FOR INDIA.

(Received 8 a.m., 30th June, 1922.)

29TH JUNE. 323 RA. Your telegram dated 19th June, 2357. Natal Ordinances. We presume that decision of Colonial Office not to intervene in regard to Rural Dealers' Licensing Ordinance and Township Franchise Ordinance, will apply to Durban Land Alienation Ordinance also. We think it important that Union Government should not be in a position to state that no protest against this Ordinance has been received from Government of India. We have, therefore, reconsidered our decision communicated to you in telegram dated 8th June, not to address that Government direct, and are telegraphing to them on the lines of paragraph 3 of our telegram dated 22nd May, 1922, to you.

Secretary to the Government of India.

Revenue and Agriculture Department.

* Enclosure in No. 48.

37011

No. 104.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10.30 p.m., 28th July, 1922.)

TELEGRAM.

28TH JULY. My despatches Confidential 28th March* and 29th March,† two Natal Ordinances referred to have been presented for assent, and on advice of my Ministers in Executive Council I have reserved them for further consideration. Durban Land Alienation Ordinance to which Indians also take exception has received assent. Have informed Viceroy and Governor-General of India accordingly. Despatch follows by mail.—ARTHUR FREDERICK.

41728

No. 105.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 22nd August, 1922.)

(No. 433.)

SIR, Governor-General's Office, Pretoria, 31st July, 1922.
WITH reference to my telegram of the 28th July,‡ informing you of the reservation of the Township Franchise Ordinance and the Rural Dealers' Licensing Ordinance, and assent to the Durban Land Alienation Ordinance passed by the Provincial Council of Natal, I have the honour to transmit copies of telegrams exchanged with the Viceroy of India.

I also enclose a copy of a despatch I have addressed to His Excellency the Viceroy, with a copy of each of the Ordinances referred to.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure 1 in No. 105.

TELEGRAM FROM THE VICEROY, SIMLA, TO THE GOVERNOR-GENERAL, CAPE TOWN.

(Received 27th May, 1922.)

26TH MAY. 261-RA. I understand that Natal Rural Dealers' Licensing Ordinance and Natal Township Franchise Ordinance, which were passed in Natal Provincial Council last year, but did not receive Your Royal Highness's assent, have been re-introduced. The Secretary of State for India has suggested to me that I should telegraph any observations that I wish to offer on this subject to Your Royal Highness's Government direct.

It appears that an attempt has been made to revise former Ordinance so as to meet objections detailed in Lansdowne's note, dated 22nd July, 1921. The revised Ordinance differentially affects Indians by excluding them under Section 6 (2) from appointments on Licensing Board, and remains open to objection urged by Natal Indian Congress and detailed in your telegram of 7th November. The Ordinance deals with a subject on which the Asiatic Inquiry Commission has made specific recommendations. In particular, I would invite attention to paragraph 204 of their Report, in which they advocate a uniform licensing law throughout the Union in place of Provincial legislation while the general policy to be adopted still forms subject of correspondence between us and Union Government. I trust that it may be possible to prevent any local legislation adversely affecting Indian community.

I do not know on what grounds your Law Adviser held last year that the latter Ordinance was *ultra vires*, but here too it is possible that the addition made in the draft Ordinance has altered the position. Recent anti-Indian legislation in Natal has aroused very bitter feelings among Indians. This further curtailment of their rights and differentiation in status between domiciled Indians and their European fellow subjects before Union Government have declared their attitude regarding Report of Asiatic Inquiry Commission, cannot fail to provoke resentment

* No. 95. † No. 96. ‡ No. 104.

here, and to re-act on the good relations that subsist between this Empire and the South African Union. No evidence has reached us to show that Indian community in Natal has ever abused their right of exercising Municipal franchise. I feel confident that Your Royal Highness's Government will appreciate the importance which I attach to preventing any legislation which may prejudice final decision regarding status of Indians in South Africa.

Enclosure 2 in No. 105.

TELEGRAM FROM THE VICEROY AND GOVERNOR-GENERAL OF INDIA, SIMLA, TO THE GOVERNOR-GENERAL, CAPE TOWN.

(Received 30th June, 1922.)

29TH JUNE. 324/RA. In continuation of my telegram of 26th May, 1922. Government of India understand that a private Ordinance entitled "Durban Land Alienation Ordinance" enabling the Town Council when selling or leasing immovable property to restrict ownership or occupation to Europeans, Asiatics, or Natives, has been introduced in Natal Provincial Council. Object of such legislation would apparently be to carry out gradually policy of segregation. Views of Government of India are stated in paragraph 7 of their despatch of 19th December, addressed to you. They suggest that the Ordinance is capable of being used in order to favour one class of ratepayers at the expense of Indians, and earnestly trust that legislation will not be accepted before decision is arrived at on general policy.

Enclosure 3 in No. 105.

TELEGRAM FROM THE GOVERNOR-GENERAL TO THE VICEROY OF INDIA.

28TH JULY. Two Ordinances referred to in your telegram of 26th May have been presented for assent, and on advice of my Ministers in Executive Council I have reserved them for further consideration. Ordinance referred to in your telegram of 29th June has received assent. Despatch follows by mail.

Enclosure 4 in No. 105.

MY LORD, Governor-General's Office, Pretoria, 29th July, 1922.
WITH reference to Your Excellency's telegrams of 26th May and 29th June, and in confirmation of my telegram of 28th July, I have the honour to enclose, for the information of the Government of India, a copy of the Townships Franchise Ordinance, the Rural Dealers Licensing Ordinance, and the Durban Land Alienation Ordinance of Natal.

The first two ordinances have been reserved for further consideration. The third ordinance "to grant additional powers to the Town Council of the Borough of Durban in respect of the alienation of or other dealing with immovable property belonging to the said Borough" has received assent.

My Ministers advised the reservation of the Rural Dealers Licensing Ordinance, because they consider that the abolition of the existing Provincial Appeal Board is contrary to their general policy in regard to the position of Asiatic traders. The Asiatic Commission recommended, in connexion with the issue of licences, that there should be a Provincial Board of Appeal. Such a Board exists at present, and the Union Government is not prepared, in the circumstances, to recommend assent to the Ordinance.

In so far as the Townships Franchise Ordinance is concerned, Ministers advised reservation for further consideration, and in the meantime they propose to appoint an officer to inquire into the conditions existing in the townships in Natal, so that they may satisfy themselves what steps, if any, should be taken in regard to restrictions of the franchise specially affecting Asiatics.

My Ministers recommended assent to the Durban Land Alienation Ordinance, but they propose to inform the Administrator of the Natal Province that they consider it reasonable, in giving his approval to racial restrictions introduced into

land sales, that he should see, as far as possible, that Asiatics are given reasonable opportunity of acquiring adequate residential sites.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

The Right Honourable
The Earl of Reading, G.C.B., G.C.I.E.,
&c., &c., &c.,
Viceroy and Governor-General of India.

(No. 7, 1922.)

ORDINANCE.

"To amend the Local Townships Law, No. 11, 1881, in regard to the qualification of Voters in Townships."

BE IT ENACTED by the Provincial Council of the Province of Natal, as follows:—

1. From and after the passing of this Ordinance, no person shall be qualified to have his name entered on the Town Roll referred to in Section 7 of Law 11 of 1881, or to be a voter within the meaning of the said law, who (not being of European origin) is a native or descendant in the male line of natives of countries which have not, prior to the coming into force of the South Africa Act, 1909, possessed elective representative institutions founded on the Parliamentary franchise, unless he has first obtained from the Governor-General-in-Council an order exempting him from the operation of this Ordinance: Provided that any person who was on the Town Roll on the First day of January, 1922, and who still possesses the qualification referred to in Section 7 of Law No. 11, 1881, shall continue to be entitled to be enrolled as a voter.

2. This Ordinance may be cited as the "Township Franchise Ordinance, 1922."

(No. 6, 1922.)

ORDINANCE.

"To amend the Laws relating to the grant of Licences to Wholesale and Retail Dealers in the Rural Districts of Natal."

BE IT ENACTED by the Provincial Council of the Province of Natal, as follows:—

1. This Ordinance may be cited as "The Rural Dealers' Licensing Ordinance, 1922," and shall come into force on the 1st day of November, 1922.

2. This Ordinance shall extend to so much of the Province as lies outside the boundaries of Boroughs and Local Townships, and nothing therein contained shall apply to or affect Boroughs or Local Townships.

3. The expression "The Administrator" as used in this Ordinance means the Administrator acting under the authority of the Executive Committee. "Licence" means any licence to which Act No. 18, 1897, applies.

4. Licensing Boards for hearing and determining applications for licences shall be constituted in each county throughout the Province, save as is provided in regard to the territory of Zululand. The Northern Districts as defined in Natal Act No. 1 of 1903, shall, for the purposes of this Ordinance be constituted as one county.

One such Board may be constituted for a county or combined counties, or Boards may be appointed for different parts of a county.

5. Sections 4, 5 and 6 of Act No. 18, 1897, and Section 2 of Act No. 22, 1909, in so far as they relate to any area or any case to which this Ordinance applies, and Sections 6 and 7 of Ordinance No. 6, 1916, are hereby repealed, and the following is enacted in lieu thereof:—

(1) Every Licensing Board constituted under this Ordinance shall, within the area for which it is appointed, have a discretion to issue or refuse a wholesale or retail licence.

(2) A decision come to by such Licensing Board as to the issue or refusal of a licence shall not be liable to review, reversal or alteration by any court of law, save as in the next sub-section provided; but nothing in this section shall

Short Title and Commencement. Scope of the Ordinance.

Short terms used.

Licensing Board.

Licensing Board's discretion.

be deemed to limit the jurisdiction hitherto possessed by any Division of the Supreme Court to set aside on the grounds of irregularity or otherwise the proceedings of any licensing body.

(3) It shall be competent for the applicant for the renewal of a licence, or for a person who has duly lodged an objection to such renewal, to appeal to the Provincial Division of the Supreme Court or a local division thereof, against any decision given by a Licensing Board under this section, and the court may order that the renewal applied for be granted or that it be not granted, or may in any case remit the case for re-hearing. The court may also in its discretion award the costs of the appeal against either of the parties thereto.

6. The references in Section 7 of Act No. 18, 1897, and in any other law to Licensing Officers and Licensing Boards shall, for the purposes of licences to which this Ordinance applies, be construed as references to the Licensing Boards constituted under this Ordinance.

7. The proviso of Section 5 (1) of Ordinance No. 6, 1916, is hereby repealed.

8. (1) The Administrator may divide any county or any other area previously served by one Licensing Board into two or more areas or combine two or more such areas contained in one county, and may appoint fresh Boards for the newly-defined areas. In either case the existing Boards shall be dissolved as from the date fixed for the establishment of the new areas.

(2) The Administrator may also alter the boundaries of any existing areas, and it shall be in his discretion according to the circumstances to dissolve the existing Boards, and appoint new ones, or to allocate the existing Boards to the altered areas.

9. (1) Each Licensing Board shall consist of a Chairman and four other members appointed by the Administrator.

(2) No person shall be qualified for appointment as a member of a Licensing Board unless he is a resident, owner or renter of a house or land in the county or area, and is enrolled as a voter for Parliament.

10. (1) Licensing Boards shall be appointed for successive terms of three years.

(2) When a vacancy occurs through the resignation of a member or otherwise, the Administrator shall appoint a qualified person to fill the vacancy till the end of the current term.

(3) Should a member be unable to attend a meeting, or be recused or otherwise disqualified from sitting upon any application, the Administrator may, without obtaining the authority of the Executive Committee, appoint any person to act in his place.

11. All appointments of Licensing Boards, with the names of the Chairman and their members; all appointments made to fill vacancies; the creation of all areas, and a description of the boundaries of all new or altered areas (unless such an area includes an entire county) shall be published in the *Provincial Gazette*, with a notification of the date on which anything so done is to take effect, and such publication shall for all purposes be sufficient proof of the matters notified.

12. (1) The Boards shall meet as often as may be required for the despatch of business.

(2) A meeting shall be duly constituted by a quorum of four members, notwithstanding that owing to a vacancy the Board may not at the time be fully constituted.

(3) In the absence of the Chairman a member may be chosen by those present to act as Chairman.

(4) No member shall sit upon any case in which he is directly or indirectly interested, or if an applicant or objector is his tenant or employee, or that of his firm or partner, or if the premises in question are upon or within five miles from any premises licensed under Act No. 18, 1897, owned or occupied by him or his firm or partner.

13. All applications for licences shall be addressed to the officer appointed for that purpose by the Administrator.

14. Any person resident within the area of the Board or within five miles from the premises sought to be licensed, or owning or occupying similarly licensed premises within the same distance, or an officer of police on behalf of the police department, may lodge objections and oppose any licence, on compliance with the rules in that behalf.

Appeal in certain cases.

References to Licensing Officers and Boards.

Costs. Re-arrangement of areas.

Constitution of Boards.

Duration of Boards: Vacancies and absence from meetings.

Gazetting appointments and areas.

Meetings.

Application for Licences.

Objections.

Suspended
Licences.

15. The Board may, in authorizing a licence, direct it to be suspended for the erection or completion of buildings according to approved plans, with any modifications that may be authorized, or pending the execution of repairs or of any necessary alterations in the existing premises.

Restriction
upon renewed
applications.

16. If an application has been refused, no further application for a licence for the same premises may be brought till after the expiration of twelve months from the date of the application which has been refused.

Issue of
Licences.

17. (1) No licence shall be issued unless and until its grant has been authorized by the Board.

(2) Licences shall be signed and issued by the Receivers of Revenue upon a certificate from the proper officer that the licence has been approved.

A suspended licence shall not be issued until the Chairman of the Board, or in his absence, another member on his behalf, certifies that the required conditions have been complied with, nor, in the case of an appeal, till the appeal has been determined.

Application
by objectors
for rehearing.

18. The following words shall be added to Section 2 of Act No. 22, 1909:—

Any person alleging that sufficient notice of the application has not been given in terms of the rules, shall also, if he would have been entitled to lodge objections, be entitled to apply to the Board for the application to be re-heard on proper notice. The Board may thereupon direct that its previous decision be suspended, and may upon the re-hearing decide upon the application *de novo*.

Subpoenas

19. Subpoenas under Section 4 of Ordinance No. 6, 1916, may be signed by any member of a Licensing Board.

Amended
reference to
Insolvency
Act.

20. The reference in Section 7 of Act No. 18, 1897, to the Insolvency Law shall be altered to Section 139 of the Insolvency Act No. 32, 1916, or any amendment thereof, as regards the keeping of proper books or records in the English or Dutch language.

Taxation of
Costs.

21. The taxation of costs in terms of Section 5 (3) of Ordinance No. 6, 1916, shall be by such officer as the rules may direct.

Rules.

22. The rules under Act No. 18, 1897, may provide for matters of every kind incidental to the administration of this Ordinance.

Such rules may require the deposit of the licence money at the time of application, and its return if the licence is refused.

Special pro-
vision in
regard to
Zululand.

23. The territory known as the Province of Zululand shall be excluded from the operation of this Ordinance in so far as it relates to Licensing Boards, references to which in other parts of this Ordinance shall accordingly be construed in relation to the existing licensing authorities.

The Administrator may, however, by proclamation bring any part of Zululand not included in the Native Reserves under the operation of the clauses of the Ordinance relating to Licensing Boards, and upon the taking effect of such proclamation Licensing Boards shall be substituted for the pre-existing licensing authorities in the district so proclaimed. Sections 4 and 6 of Act No. 31, 1905, being to that extent superseded for the purposes of licences coming under Act No. 18, 1897.

(No. 14, 1922.)

ORDINANCE.

"To grant Additional Powers to the Town Council of the Borough of Durban in respect of the alienation of or other dealing with immovable property belonging to the said Borough."

Preamble.

WHEREAS it is expedient to grant to the Town Council of the Borough of Durban additional powers in respect of the alienation of or other dealing with immovable property belonging to the said Borough;

BE IT THEREFORE ENACTED by the Provincial Council of the Province of Natal, as follows:—

Conditions of
Sale or Lease
of Land.

The Town Council of the Borough of Durban, in selling or leasing any immovable property belonging to the said Borough, may, with the consent of the Administrator, make provision in the conditions of sale or lease as to the style, class or value of buildings to be erected thereon, and for restricting the use of such property solely to purposes of residence or business, and for restricting the ownership or occupation thereof or both to and for prohibiting the ownership or occupa-

tion thereof or both by persons of European descent, Asiatics or Natives or persons of any one or more of such classes, and may insert in the title deeds or leases of any such property the conditions necessary to give full force and effect to such provisions and/or restrictions.

49989

No. 106.

INDIA OFFICE to COLONIAL OFFICE.

(Received 9th October, 1922.)

[Answered by No. 107.]

India Office, Whitehall, London, S.W.1.

7th October, 1922.

SIR,

I AM directed by the Secretary of State for India to transmit, for favour of observations by the Secretary of State for the Colonies, copy of a letter from Mr. H. S. L. Polak with enclosures, regarding the provision in Section 147 of the South Africa Act that the control and administration of matters specially or differentially affecting Asiatics shall vest in the Governor-General in Council.

It appears to Viscount Peel that the construction of this Section suggested by Mr. Polak is not justified. His Lordship assumes that the control of the matters in question vested in the Union Government is not limited otherwise than by the Acts of the Union Parliament which they have to administer and that, if they consider that a proposed provincial ordinance covers a matter specially or differentially affecting Asiatics, they may exercise their control in whatever manner they may deem desirable, either at an earlier stage or when the proposed ordinance is presented for assent under Section 90 of the Act, and either by way of withholding assent or reserving the ordinance for further consideration or by way of assenting thereto and giving instructions (if they consider such a course desirable) to the Administrator as to the method of its administration. It is observed, for example, from the Governor-General's despatch of 31st July, 1922,* copy of which was enclosed with your letter of 2nd September, 1922, that, in recommending assent to the recent Durban Land Alienation Ordinance, Union Ministers proposed that certain instructions should be conveyed to the Administrator of Natal.

Lord Peel would be glad to learn whether Mr. Secretary Churchill considers that this view of the scope of the provision in question is correct, and, if so, whether he sees any objection to Mr. Polak being informed accordingly.

I am, &c.,

L. KERSHAW.

Enclosure in No. 106.

Indians Overseas Association, 47-48, Danes Inn House,

265, Strand, W.C.2, 25th September, 1922.

SIR,

I AM to enclose herewith an advance print of an article by the undersigned appearing in the September issue of the *Indian Review*, and beg to request that the subject matter thereof may be brought at an early date under the consideration of the Secretary of State in Council, with a view to make such representations as may be deemed necessary to the Colonial Office and to the Government of the Union of South Africa.

I may add that the statements contained in the first paragraph of the article were based upon a Reuter telegram from Capetown, which had not, up to the date of the writer's departure from India, been corrected by the Government of India.

I have, &c.,

S. L. POLAK,

Hon. Secretary.

The Under-Secretary of State.

India Office, S.W.1.

* No. 105.

† Not printed here.

49989

No. 107.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 108.]

Sir,

Downing Street, 23rd October, 1922.

With reference to your letter of the 7th of October* regarding the provision in Section 147 of the South Africa Act, that the control and administration of matters specially or differentially affecting Asiatics in the Union shall rest in the Governor-General in Council, I am directed by Mr. Secretary Churchill to request you to inform the Secretary of State for India that he is not in a position to offer an opinion as to the construction of Section 147, and would suggest that it would be very undesirable to enter into any discussion of the subject with Mr. Polak.

The print of Mr. Polak's article is returned, herewith, as requested.

I am, &c.,

C. T. DAVIS.

58565

No. 108.

INDIA OFFICE to COLONIAL OFFICE.

(Received 27th November, 1922.)

[Answered by No. 109.]

India Office, Whitehall,

Sir,

London, S.W., 27th November, 1922.

With reference to the letter from this Office, dated 7th October, 1922, and your letter dated 23rd October,† regarding the question of the construction of section 147 of the South Africa Act, I am directed by the Secretary of State for India to transmit, for the information of the Secretary of State for the Colonies, copy of a telegram dated 19th October, and of a letter with enclosures dated 26th October, from the Government of India, on this subject.

It will be seen that the Government of India consider the contention of Mr. Polak's article to be legally sound, and suggest that further legal information may be obtained, and that, if their view is confirmed, the attention of the Union Government may be drawn to the view that the enactment of the three recent Natal Ordinances was not on a strict interpretation of the law within the competence of the Natal Council.

Viscount Peel would be glad to be favoured with any observations which the Duke of Devonshire may desire to make on the Government of India's suggestion. It appears to His Lordship that, since the Government of India have raised this question, it is desirable that they should be placed in possession of the views of His Majesty's Government on the construction of the section; and, if the Colonial Office do not feel in a position to express an opinion, he would suggest for His Grace's consideration that a case should be prepared in consultation between the two Departments for submission to the Law Officers of the Crown.

I am, &c.,

L. KERSHAW.

Enclosure 1 in No. 108.

TELEGRAM.

FROM THE VICEROY, SIMLA, TO SECRETARY OF STATE FOR INDIA.

(Received 11 a.m., 20th October, 1922.)

19TH OCTOBER. 536/Emi. It has been represented to me, and urged in Press, that Natal Ordinances regarding Rural Dealers, Licensing, Townships Franchise and Durban Land Alienation are *ultra vires* of Natal Provincial Council,

* No. 106.

† Nos. 106 and 107.

by reason of Section 147, South Africa Act, as they differentially affect Asiatics. We have examined this contention and consider it legally sound. We are supported by proceedings in House of Commons prior to passing of Act. Please see Colonial Secretary's reply to Lyttelton, 27th July, 1909, stating that provision has been inserted, making it clear that differential treatment for Asiatics will be matter for Union Government, and not Provinces. See also his statement in Debate, 16th August, 1909, pages 955-956 of Parliamentary Debates, volume 9 of 1909, where he says that, by Section 147, all matters differentially affecting Asiatics are given exclusively to Union Parliament to control. See also correspondence sent to us with India Office despatches 96, dated 25th June, 1909, and 130, dated 24th September, 1909. We suggest that you might ask Colonial Office to place this view before Union Government, especially with regard to Rural Dealers and Townships Franchise Ordinances, which have not yet received assent. Further statement of our argument will follow by mail as soon as possible.—SECRETARY TO THE GOVERNMENT OF INDIA, REVENUE AND AGRICULTURE DEPARTMENT.

Enclosure 2 in No. 108.

No. 286.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration.)

Sir,

Simla, 26th October, 1922.

With reference to the telegram No. 536/Emi., dated the 19th October, 1922, to His Majesty's Secretary of State for India, I am directed to explain more fully the contentions of the Government of India regarding the competence of the Provincial Councils in South Africa to make ordinances differentially affecting Asiatics in view of the provisions of section 147 of the South Africa Act, 1909.

2. From the papers forwarded with Lord Morley's despatches, No. 96, Public, dated the 25th June, 1909, and No. 130, Public, dated 24th September, 1909, the history of the section appears to be as follows. The draft Bill framed by the South African Convention contained no special provision as to the Legislative body by which legislation affecting Asiatics should be undertaken. In his telegram dated the 18th February, 1909, to the High Commissioner for South Africa, the Secretary of State for the Colonies, therefore, inquired what legislative body would, on the passing of the Act, be responsible for fresh legislation affecting Indians. The High Commissioner replied in his despatch, dated the 8th March, 1909, that the position of Indians under the draft Bill was not specially considered in all its bearings by the Convention, but that it was generally understood that all matters of general importance affecting the Union as a whole would be dealt with only by the Parliament of the Union, and that the position of Indians under the Union was assumed to be one of such matters. He was also of opinion that the answer to the question depended on the subject upon which fresh legislation is contemplated. In two subsequent telegrams dated the 6th April, 1909, and 26th April, 1909, the High Commissioner observed, however, that a real danger existed in clause 85 (12) of the Bill, inasmuch as the Governor-General might, under this clause, delegate fresh legislative powers to provincial councils, and recommended that the clause be so amended as to render abuse impossible. The Secretary of State for the Colonies—*vide* his telegram, dated 3rd May, 1909—was at first disposed to ask for a modification of clause 85, so as to take away, as far as possible, legislation affecting Indians from Provincial Councils and to leave it to the Union Parliament. In a later telegram, dated 19th May, 1909, he informed the High Commissioner that it had been suggested that clause 148 of the Bill should be amended in order to ensure that Indians and Asiatics generally should be under the Union Government. The then Secretary of State for India, Lord Morley, was, however, of opinion that clause 85 of the Bill should be modified in the manner suggested by the Secretary of State for the Colonies. After discussion with the delegates of the South Africa Convention, it was decided not to modify clause 85, but to add the words "and of matters specially or differentially affecting Asiatics" after the words "the control and administration of native affairs" in clause 147 of the Bill.

3. From the correspondence summarized above, it appears to the Government of India that it may be fairly argued that the word "control" in section 147 of the Act was intended to secure that the power of initiating legislation on matters specially or differentially affecting Asiatics, as well as a general right of supervision and intervention is reserved for the Union Parliament. The term "control" must mean sole and complete control from the beginning to end. It ousts the jurisdiction of the Provincial Council, and vests the Governor-General in Council with the power to deal with matters specially or differentially affecting Asiatics to the exclusion of every other authority. It places on the Union Government the constitutional obligation of retaining such affairs in its own hands, and of prohibiting any other authority from handling the matter at all. This view is supported by the appended extracts* from the statements made in Parliament by the Secretary of State and Under Secretary of State for the Colonies prior to the passing of the Act.

4. It may, however, be argued that the Provincial Councils may legislate in respect of matters provided in section 85 of the Act, and of further matters which may be delegated to them under clauses (xii) and (xiii) of the section, e.g., such as those, for instance, which have been conferred by section 11 of the Financial Relations Act, 1913, although the legislation may differentially affect Indians, and that reliance should be placed on the power of veto given by section 90. If this were the case, section 147 would be superfluous, and the section might be rendered nugatory, so far as Indians are concerned, for the Provincial Councils might pass separately the same laws purporting to be in respect of local matters, but framed really to impose disabilities on Indians, and thus measures affecting Indians throughout the Union might be framed by the local Councils. The relief it was intended to ensure to Indians by placing them under the control of the Union Government would also not be secured. It is true that the Governor-General in Council possesses the right of veto, but it is difficult for him to exercise the power of veto in favour of Indians on account of the strong feeling which exists against them. Finally, as the law stands, the powers conferred on Provincial Councils under section 85 of the Act or under any other Act in accordance with clause xiii of the section can only be exercised "subject to the provisions of the Act" and therefore of section 147. This provision debars the Union Government from delegating its authority over Asiatic affairs to the Provincial Councils. For the foregoing reasons it seems to the Government of India that section 147 of the Act ousts the jurisdiction of Provincial Councils in respect of legislation specially or differentially affecting Asiatics.

5. The three ordinances recently passed by the Natal Provincial Council affect Asiatics differentially. The Rural Dealers Licensing Ordinance by section 6 (2) excludes, by reference to the franchise, any Asiatics from serving on a Licensing Board. The Township Franchise Ordinance specifically excludes from its operation persons of European origin, and differentially affects Indians who are natives of a country which had not, prior to 1909, elective representative institutions founded on the Parliamentary franchise. The Durban Land Alienation Ordinance specifically mentions Asiatics. If the view held by the Government of India is correct, then it is *ultra vires* for the Natal Council to pass the Ordinances.

6. The question whether legislation specially or differentially affecting Asiatics can only be undertaken in the Union Parliament, or may be enacted in the Provincial Councils is of vital importance to Indians resident in South Africa. The Government of India suggest, therefore, that further legal opinion may be obtained on the interpretation of the statute in this respect, and that if their view is confirmed the attention of the Union Government may be drawn to the view that the enactment of the three ordinances referred to in the preceding paragraph was not on a strict interpretation of the law within the competence of the Natal Council. The Rural Dealers Licensing and the Townships Franchise Ordinances have been reserved by the Governor-General for further consideration, and it would be possible for him now to veto them under section 90 of the Act.

I have, &c.,

Secretary.

His Majesty's Under Secretary of State for India,
Industries and Overseas Department,
India Office, London.

* Not printed.

58565

No. 109.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 110.]

Sir,

Downing Street, 28th December, 1922.

I AM directed by the Duke of Devonshire to acknowledge the receipt of your letter of the 27th of November,* regarding the question of the construction of Section 147 of the South Africa Act, and to request you to inform Viscount Peel that since the letter from this Department of the 23rd of October† was written, the Secretary of State's attention has been called to the proceedings in the case of *Rex v. Amod* in the Appellate Division of the Supreme Court of South Africa. I am to enclose a copy of the report of the case and to suggest that it should be forwarded to the Government of India for their information.

I am, &c.,

H. J. READ.

Enclosure in No. 109.

REX (Respondent) v. AMOD (Applicant).

(Bloemfontein.)

(1922. 15th February, Innes, C.J.; Solomon, J.A.; Maasdorp, J.A.; de Villiers, J.A.; and Juta, J.A.)

Provincial Council—Poll Tax—Natives—Asiatics—Legislative powers of Parliament and Provincial Councils—South Africa Act, Sec. 147.

Sec. 147 of the South Africa Act which vests in the Governor-General-in-Council the control and administration of native affairs and of matters specially or differentially affecting Asiatics does not affect the legislative authority either of Parliament or of the Provincial Councils in regard to the matters to which that section relates.

The Transvaal Provincial Ordinance No. 7 of 1921, which imposed a poll tax upon male adults ordinarily resident in the Transvaal, and under the terms of which appellant, an Asiatic, became liable for tax.

(INNES, C.J.)

HELD, not to be in conflict with sec. 147 of the South Africa Act.

The decision of the Transvaal Provincial Division in *Rex v. Amod*, confirmed.

Application for leave to appeal from a decision of the Transvaal Provincial Division (Wessels, J.P.; Curlewis, J., and Stratford, J.), sitting as a Court of Appeal from a decision of the magistrate's court, Pretoria.

O. H. HOEXTER, for the applicant: Ordinance 7 of 1921 is in conflict with sec. 147 of the South Africa Act. The words "control and administration" used in that section include legislation. Asiatics are protected against legislation, specially and differentially affecting them. The power to legislate in such matters cannot be separated from control and administration; it belongs to the Governor-General-in-Council.

W. G. HOAL, for the Crown, was not called upon.

INNES, C.J.: The applicant was convicted under Ordinance 7 of 1921, sec. 10 (6), of not paying his poll tax by the prescribed date and was fined half-a-crown. He is admittedly a male adult ordinarily resident in the Transvaal, and is therefore within the language of the first clause which imposes the tax; nor is he covered by any of the general exemptions in sec. 15. But certain defences were set up below, to which both Courts refused to give effect, and we are now asked to allow the matter to be brought before us for further argument. The case would seem to be a test one, and therefore important to many persons; but we should not be justified merely on that account in giving leave to appeal if the appeal could not possibly succeed. That aspect of the matter must therefore be examined. Mr. Hoexter has very wisely abandoned two of the contentions advanced in the Provincial Division, and there is no need to discuss them. He rests his application solely upon the argument that the ordinance in question is in conflict with sec. 147 of the South

* No. 108. † No. 107.

Africa Act, which reads as follows. (The clause was here read.) That provides merely that the administration and control of two matters shall vest in the Governor-General-in-Council, that is, in the Union Government; those two are native affairs, and matters specially or differentially affecting Asiatics throughout the Union. The administration and control of these is given to the Central Government. Before Union certain special powers in regard to native administration and native reserves were vested in the Governors of certain Provinces, and these powers are specially transferred to the Governor-General-in-Council, together with the general powers conferred by the opening sentences. But the clause does not purport to deal with or to limit the legislative authority either of the Union Parliament or the Provincial Councils. Mr. Hoexter contends that the words control and administration are wide enough to include legislation; from which it would follow that Parliament could not make laws specially or differentially affecting Asiatics, or dealing with native affairs at all. That is an impossible contention. Parliament has full powers to make laws for the peace, order and good government of the Union. Certain provisions of the South Africa Act are unalterable for a definite period, and certain provisions are specially entrenched. These limitations of legislative authority are clearly set out; and if it had been intended to remove native affairs or Asiatic legislation from the legislative jurisdiction of Parliament, definite and precise provision upon the point would have been made. Certainly no such provision is to be found in sec. 147. We have been referred to a passage in the judgment of Provincial Division, which construes sec. 147 as meaning that "if an Act is passed which affects Asiatics throughout the whole of the Union of South Africa, and if anything in that act specially or differentially affects Asiatics, then such an Act, according to the South Africa Act, is void." If that is a correct report of the language used by the learned JUDGE-PRESIDENT I find myself, with respect, unable to agree with it. To my mind sec. 147 has nothing to do with the legislative authority either of Parliament or of the Provincial Councils in regard to the matters to which it relates.

The only ground, therefore, on which leave to appeal is asked for falls away. An appeal could not possibly succeed, and following our invariable practice in such cases the application must be refused.

Solomon, J.A.; Maasdorp, J.A.; De Villiers, J.A.; and Juta, J.A., concurred.

3192

No. 110.

INDIA OFFICE to COLONIAL OFFICE.

(Received 18th January, 1923.)

SIR, India Office, Whitehall, London, S.W.1., 17th January, 1923.
I AM directed by Viscount Peel to acknowledge the receipt of your letter of 28th December, 1922,* and enclosed copy of the report of the proceedings in the case of *Rex v. Amod* in the Appellate Division of the Supreme Court of South Africa.

I am to state that copy of the report is being transmitted to the Government of India with reference to their letter of 26th October, 1922,† relative to the question of the construction of Section 147 of the South Africa Act.

I am, &c.,
J. C. WALTON.

22896

No. 111.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th May, 1923.)

(No. 168.)

Governor-General's Office, Cape Town.

MY LORD DUKE, 20th April, 1923.

At the request of my Ministers I have the honour to transmit, for Your Grace's information and for that of the Secretary of State for India, copies† of

- (1) "The Borough and Township Lands Ordinance, 1923."
- (2) "The Rural Dealers Licensing Law Amendment Ordinance, 1923."

* No. 100.

† Enclosure 2 in No. 108.

‡ Not printed here.

(3) An Ordinance "To amend the Local Township Law No. 11, 1881, in respect of the Qualification of Voters" which have recently been introduced into the Natal Provincial Council.

2. I also enclose a copy of a despatch transmitting copies for the information of the Viceroy of India and of the telegram referred to in that despatch.

3. I may also draw Your Grace's attention to the article dealing with these Ordinances which appeared in the *Indian Opinion* of the 23rd March last.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure 1 in No. 111.

(No. 64/1710.)

Governor-General's Office, Cape Town,

MY LORD,

20th April, 1923.

At the request of my Ministers I have the honour to transmit to Your Excellency two copies of

- (1) "The Borough and Township Lands Ordinance, 1923."
- (2) "The Rural Dealers Licensing Law Amendment Ordinance, 1923."
- (3) An Ordinance "To amend the Local Township Law No. 11, 1881, in respect of the Qualification of Voters,"

which have recently been introduced into the Natal Provincial Council.

I take the opportunity to acknowledge the receipt of your telegram of the 17th April, which I have referred to my Ministers for consideration and advice.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

His Excellency

The Right Honourable

The Earl of Reading, G.M.S.I., G.M.I.E., G.C.B., K.C.V.O.,

&c., &c., &c.,

Viceroy of India, Delhi.

Enclosure 2 in No. 111.

TELEGRAM FROM THE VICEROY AND GOVERNOR-GENERAL OF INDIA, SIMLA, TO THE GOVERNOR-GENERAL, CAPE TOWN.

(Received 18th April, 1923.)

17TH APRIL. 354 EMI. Your Royal Highness's despatch No. 15/1139 dated 21st December, 1922. We have seen copies of report submitted by Durban Town Council to Administrator of Natal regarding proposed revision of Rural Dealers' Licensing Ordinance. While their proposals follow generally the lines foreshadowed in paragraph 10 of your Ministers' Minute dated 15th December, 1922, we note that they recommend that Central Board should not be empowered to override decision of Licensing Boards when licence is refused on the ground that applicant is unsuitable person. This recommendation, which is likely to injure Indian interests, is contrary to recommendation in paragraph 205 (8) of Report of Asiatic Enquiry Commission, and we assume that it will not be accepted by Union Government. We would invite attention to the latter part of paragraph 10 of our despatch of 19th December, 1921, No. 307, and would urge that there is strong case for extending right of appeal when licences are refused under paragraph 205 (5) (a) and (b) of the Report. We trust also that the objection to paragraph 9 of Clause 2 of the Ordinance as now drafted taken in paragraph 2 of our telegram of 26th May, 1922, will be sympathetically considered.

We learn from Reuter's telegrams that Natal Administration is introducing new Township Franchise Ordinance based on simple educational test. If this is so we should be grateful if you would kindly send us for our information copy both of proposed Ordinance and of report of officer who was appointed to inquire into conditions in townships in Natal. We assume that rights of existing voters will be safeguarded and hope to telegraph our views on receipt of papers.

28045

No. 112.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4th June, 1923.)

(No. 248.)

MY LORD DUKE, Governor-General's Office, Cape Town, 18th May, 1923.
 WITH reference to my despatch No. 168 of the 20th April,* I have the honour to transmit a copy of a despatch which I have addressed to the Viceroy of India in reply to his telegram of the 17th April† regarding the Rural Dealers' Licensing Ordinance and the Township Franchise Ordinance (Natal).

2. Mr. Dick's report mentioned in the despatch is in manuscript, and I regret that no copy is available for transmission to Your Grace.

I have, &c.,
 ARTHUR FREDERICK,
 Governor-General.

Enclosure in No. 112.

(No. 15/1151.)

MY LORD, Governor-General's Office, Cape Town, 18th May, 1923.
 I HAVE the honour to acknowledge the receipt of Your Excellency's telegram No. 354 EML of the 17th April, which I referred to my Ministers for their consideration.

I am now advised that in the matter of the Rural Dealers' Licensing Ordinance the Government adheres to its view that an appeal should be allowed to a Central Board where a licence is refused on the ground that the applicant is an unsuitable person, but does not see its way to go further and allow such appeal in other cases of refusal.

My Ministers presume that the reference in Your Excellency's telegram to paragraph 9 of Clause 2 of the Ordinance is an error for sub-clause 2 of Clause 6 describing the qualifications for members of the Licensing Boards. They see no prospect of provision being made for Indians on such Boards, nor is the proposal one which they would be able to insist upon.

I have already forwarded to Your Excellency, under cover of my despatch of the 20th April, copies of the draft Township Franchise Ordinance, and I now transmit, as requested, a copy of the report of Mr. G. W. Dick, the Principal Immigration Officer at Durban, who was appointed by the Union Government to inquire into the conditions in townships in Natal.

I have, &c.,
 ARTHUR FREDERICK,
 Governor-General.

His Excellency
 The Right Honourable
 The Earl of Reading, G.M.S.I., G.M.I.E., G.C.B., K.C.V.O.,
 &c., &c., &c.,
 Viceroy of India, Delhi.

28477

No. 113.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 7th June, 1923.)

SIR, India Office, Whitehall, London, S.W.1, 6th June, 1923.
 WITH reference to your letter of 22nd May, 1923,‡ regarding certain draft ordinances which have recently been introduced into the Natal Provincial Council. I am directed by Viscount Peel to transmit, for the information of the Duke of Devonshire, copy of a letter received from the Government of India and enclosed

* No. 111. † Enclosure 2 in No. 111. ‡ 22806: not printed; forwarded copy of No. 111.

copy of a telegram addressed by the Viceroy to His Royal Highness the Governor-General of the Union of South Africa on 7th May, 1923, on this subject.

I have, &c.,
 J. C. WALTON.

Enclosure in No. 113.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS (OVERSEAS).

Simla, the 10th May, 1923.

(No. 140.)

To
 His Majesty's Under-Secretary of State for India,
 Industries and Overseas Department,
 India Office, London.

Subject: *Indians in Natal, Ordinances recently introduced in the Natal Provincial Council.*

SIR.

IN continuation of my letter No. 108, dated the 19th April, 1923, I am directed to forward, for information, a copy of the telegram No. 454-0, dated the 7th May, 1923, which has been addressed to His Royal Highness the Governor-General of South Africa, regarding the four Ordinances recently introduced in the Natal Provincial Council.

I have, &c.,
 R. B. EWBANK,
 Deputy Secretary.

TELEGRAM FROM THE VICEROY (DEPARTMENT OF EDUCATION, HEALTH AND LANDS),
 SIMLA, TO THE GOVERNOR-GENERAL, CAPE TOWN.

7TH MAY. No. 454-0. Reference our telegram of 17th April. We have now received Natal official *Gazette* dated 15th March, containing text of certain draft Ordinances, of which four affect Indians:—

- (1) Additional Powers to Town Councils and Local Boards in respect of sale and lease of immovable property. Our objections to principles of this Ordinance are stated in our telegram 324, dated 29th June, 1922. We have been informed that at land sales held at Durban up to date only Europeans have been allowed to bid, and should be glad to know what steps have been taken by Administrator to give effect to suggestion contained in paragraph 5 of Your Royal Highness's despatch dated 29th July, 1922.
- (2) Rural Dealer's Licensing Ordinance. We understand this has been passed by Natal Provincial Council. We trust that views expressed in our telegram of 17th April will be considered before Your Royal Highness assents to this bill, and that rules prescribed by Administrator under section 12(2) will ensure that qualifications of members of Board of Appeal will not be inferior to those of present Board mentioned in paragraph 207 of Asiatic Inquiry Commission's Report.
- (3) Ordinance to amend Local Township Law, 1881. Please see paragraph 2 of our telegram of 17th April. We recognize Ordinance as revised is not open to same objections as that which Your Royal Highness reserved for further consideration last year. But it does not confer on Governor-General in Council right of granting exemptions as previously proposed, and it vests officer preparing Town Roll with unfettered discretion apparently subject to no appeal, to decide whether applicant can read or write one of the official languages. We suggest that section 9 of Natal Law 11 of 1881 may be amended so as to allow appeals on this point.

- (4) Public Health Committee's Ordinance. The definition of Voters in section 2 and provisions of section 8 exclude Indians from taking part in elections for these committees or serving on them. These committees have wide powers of levying rates, and we submit that Indian ratepayers have reasonable claim to elect or serve on these committees.

33120

No. 114.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd July, 1923.)

India Office, 2nd July, 1923.

THE Under Secretary of State for India presents his compliments to the Under Secretary of State for the Colonies, and begs to transmit to him copy of a letter, with enclosures, from the Government of India, dated the 7th of June, on the subject of Indians in Natal.

Reference to previous correspondence: Letter to the India Office of the 19th June, 1923.*

Enclosure in No. 114.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS (OVERSEAS).

(No. 174.)

Simla, the 7th June, 1923.

To

His Majesty's Under Secretary of State for India,
Industries and Overseas Department,
India Office, London.

Indians in Natal. Ordinances recently introduced in the Natal Provincial Council.
SIR,

1. Telegram from the Governor-General of South Africa, dated the 29th May, 1923.
2. Telegram from the Governor-General of South Africa, dated the 30th May, 1923.
3. Telegram from the Governor-General of South Africa, dated the 1st June, 1923.

IN continuation of my letter No. 140, dated the 10th May, 1923, I am directed to forward, for information, a copy of the papers noted in the margin, regarding the four Ordinances recently introduced in the Natal Provincial Council.

I have, &c.,

R. B. EWBANK,

Deputy Secretary to the Government of India.

TELEGRAM FROM THE GOVERNOR-GENERAL, CAPE TOWN, TO THE VICEROY.

(Received 2.40 p.m., 30th May, 1923.)

29TH MAY. Your telegram dated 7th May 454-0. In reference to power of Town Councils and Local Boards regarding sale and lease of land, Ministers understand that two sales have taken place in Durban since Ordinance was passed last year, and that it is correct that only Europeans have been allowed to purchase. Ministers communicated with Provincial Authorities in Natal and are still in correspondence on the matter. They are not disposed, however, to conclude from facts of two sales having been held as stated that Durban Corporation is not likely to act with reasonable fairness. Rural Dealers Licensing Ordinance has been passed by Natal Provincial Councils and is now under consideration by Ministers. It formed subject of interview with a representative of deputation of Natal Indians and Minister of Interior at which position was fully discussed. The New Ordinance requires Licensing Boards to record evidence taken on an application and reason for refusal, and gives an appeal where refusal is based on personal grounds.

* 28045: not printed; forwarded copy of No. 112.

This is in accordance with recommendation of Asiatic Inquiry Commission. Appeal Board must consist of three persons, one of whom has held office as a Judge or Magistrate or is an Advocate of Supreme Court. Ministers consider that this Ordinance must now be given a fair trial, and they will inquire carefully into any complaints that may be made in this connexion. Ordinance to amend local township law has not been proceeded with, and it is understood that action is to be taken in Courts with a view to testing certain decisions on existing law. The Public Health Committee Ordinance is still before the Provincial Council. No reference was made to it by deputation of Indians already mentioned, although they were dealing with Provincial Council legislation affecting them, nor have Ministers received any representation from India on the matter.

TELEGRAM FROM THE GOVERNOR-GENERAL, CAPE TOWN, TO THE VICEROY.

(Received 12.30 p.m., 31st May, 1923.)

30TH MAY. My telegram dated 29th May. On the advice of my Ministers in Council I have assented to Borough and Township Lands Ordinance and Rural Dealers Licensing Law Amendment Ordinance of Natal.

TELEGRAM FROM THE GOVERNOR-GENERAL, CAPE TOWN, TO THE VICEROY.

(Received 12.30 p.m., 2nd June, 1923.)

1ST JUNE. My telegram dated 29th May, and my telegram dated 30th May. Public Health Committee's Ordinance of Natal has now received assent.

2477

No. 115.

INDIA OFFICE to COLONIAL OFFICE.

(Received 16th January, 1924.)

[Answered by No. 117.]

SIR,

India Office, Whitehall, London, S.W.1, 15th January, 1924.

I AM directed by the Secretary of State for India to refer to your letter of 22nd May, 1923,* and connected correspondence regarding an Ordinance, which was introduced in the Natal Provincial Council, to amend the Local Township Law, No. 11, 1881, in respect of the qualification of voters, but is understood not to have been proceeded with.

A telegram has been received from the Government of India from which it appears that they have received copy of a fresh draft Ordinance promoted by Mr. Hulett relating to this question, and also a petition from the Indian Congress in South Africa to the Provincial Council on the subject.

I am to inquire whether copy of the recent draft Ordinance and petition referred to have been received in the Colonial Office and, if so, whether they may be communicated to this Department.

I have, &c.,

J. C. WALTON,

Assistant Secretary,
Industries and Overseas Department.

2777

No. 116.

INDIA OFFICE to COLONIAL OFFICE.

(Received 18th January, 1924.)

[Answered by No. 117.]

India Office, 17th January, 1924.

THE Under Secretary of State for India presents his compliments to the Under-Secretary of State for the Colonies, and begs to transmit to him, for favour

* 22896: not printed; forwarded copy of No. 111.

of any observations, copies of two telegrams from the Viceroy of India on the subject of Mr. Hulett's draft ordinance to amend Local Townships Law No. 11 of 1881, in Natal.

Reference to previous correspondence: Letter from the India Office of the 15th January, 1924.*

Enclosure 1 in No. 116.

TELEGRAM FROM VICEROY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, DELHI, TO SECRETARY OF STATE FOR INDIA.

(Received 8 a.m., 7th January, 1924.)

6TH JANUARY. Reference Walter's (?Walton's) letter, dated 24th May last. We have received the copy(ies) of Hulett's fresh draft Ordinance(s) to amend Local Township Law No. 11 of 1881, and of Indian Congress Petition to the Provincial Council on the subject. We understand that the proviso to Clause 1 of the proposed Ordinance seeks to disenfranchise Indians, enrolled since 1896, from township franchise and to deprive them of the rights hitherto enjoyed by them. We venture to doubt whether it can be established that our [?such] legislation is necessary from any point of view, and it will certainly be harmful, both to Indian and to Imperial interests. General Smuts, in his speech at Maritzburg on the 16th July, stated that there was no case for proceeding with this legislation pending decision of some points in connexion with the old Natal Law which was before the Appellate Court. We have not heard from you as to how the matter stands on this point, and are unaware whether the difficulty referred to by Smuts has yet disappeared or not. Report of the Inquiry Officer appointed by the Union Government shows that the number of Asiatic voters in most townships and municipalities is comparatively insignificant. He also found no evidence of abuse by Asiatics of their present franchise rights. By their previous attitude, for which we are grateful, the Union Government have shown that they disapprove of the principle of this Bill, and we trust that you will do what you can to induce them to maintain the same attitude if the Bill should unfortunately be passed.

Enclosure 2 in No. 116.

TELEGRAM FROM THE VICEROY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, DELHI, TO SECRETARY OF STATE FOR INDIA.

(Received 6.30 p.m., 16th January, 1924.)

16TH JANUARY. Reference my telegram of 6th January. Hulett's Bill. This Bill has attracted much attention here, and we should like your permission to publish a communiqué stating that we have drawn your attention to the fact that the Bill will deprive the Indians of the long-established right of exercising township franchise in Natal, and that you have been asked to have representation(s) made to the Governor-General of the Union in Council regarding the maintenance towards this Bill of the attitude which he has consistently adopted in the past. If you do not approve of this action, can you tell us how the matter stands, and what action you have been able to take.

2777

No. 117.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 118.]

SIR,

Downing Street, 22nd January, 1924.

WITH reference to your letter of the 15th of January,* I am directed by the Duke of Devonshire to request you to inform Viscount Peel that copies of the fresh draft Ordinance promoted by Mr. Hulett relating to the amendment of the Natal Local Townships Law, No. 11 of 1881, and of the petition from the Indian Congress

* No. 115.

in South Africa to the Natal Provincial Council on the subject, have not been received in this Office, but that, when they are transmitted, copies will be communicated to the India Office.

As regards your further letter of the 17th of January,* forwarding copies of telegrams from the Viceroy of India, I am to state that the Secretary of State considers, for the reasons given in the letter from this Office of the 31st of May, 1922,† that it would not be desirable for him to communicate with the Union Government in the sense apparently contemplated by the Indian Government, and he would suggest that, if further information as to the attitude of the Union Government is required by the Government of India, they should, as on previous occasions, communicate direct with the Governor-General of the Union.

I am, &c.,

C. T. DAVIS.

6280

No. 118.

INDIA OFFICE to COLONIAL OFFICE.

(Received 9th February, 1924.)

SIR,

India Office, Whitehall, London, S.W.1, 8th February, 1924.

WITH reference to your letter of the 22nd January,‡ regarding an Ordinance introduced in the Natal Provincial Council to amend the Local Townships Law, No. 11 of 1881, I am directed by the Secretary of State for India to transmit, for the information of the Secretary of State for the Colonies, copy of telegram sent to the Government of India authorizing them to address an inquiry to the Union Government direct on the subject.

I have, &c.,

J. C. WALTON,

Assistant Secretary,

Industries and Overseas Department.

Enclosure in No. 118.

TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO VICEROY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

(5th February, 1924.)

399. Your telegram 16th January. Colonial Office have not yet received Hulett's Bill or Indian Petition. I have no later information than General Smut's speech, 16th July last, and statement in telegram from Governor-General of South Africa addressed to you 29th May last, that the recent draft Ordinance (viz., that printed on page 14 of my predecessor's despatch No. 6, Overseas, 28th June last) had not been proceeded with and that it was understood that action was to be taken in Courts to test decisions on existing law.

It seems doubtful whether Union Government would advise assent to any amending law pending action to test meaning of existing law.

Colonial Office are averse to suggesting that assent should be withheld for the reasons stated in their letter of 31st May, 1922, enclosure No. 18 in my predecessor's despatch No. 27, Overseas, 3rd August, 1922.

I authorize you, if you wish, to address inquiry to Union Government direct as to their attitude pending action in Courts. You could then publish a communiqué stating that you have done this.

10493

No. 119.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th March, 1924.)

(Confidential.)

SIR,

Governor-General's Office, Cape Town, 13th February, 1924.

I HAVE the honour to inform you that, acting upon the advice of my Ministers, I have reserved for further consideration the "Ordinance to amend the

Local Township Law No. 11 of 1881, in respect of the qualification of voters" recently passed by the Provincial Council of Natal.

2. The Minister of the Interior had indicated to the Provincial Administrator the lines upon which the Council might modify the original Ordinance to make it acceptable to the Union Government, and the draft Ordinance forwarded with my despatch No. 168 of the 20th April, 1923,* to a large extent satisfied these stipulations. The Ordinance was, however, not proceeded with that Session.

3. It is a matter for some surprise that when the Ordinance made its re-appearance this year its provisions should have been of a much more drastic character. A comparison between Clause 1 in both Ordinances will show that the simple education test incorporated in the 1923 Ordinance has been eliminated from the new Ordinance in favour of the much more exacting expedient of making the Parliamentary Voters Roll the basis of qualification for Township franchise—a pretension which Ministers are not prepared to countenance.

4. The Union Government's opposition to the Ordinance is aggravated to an even greater extent by the total omission of Clause 4 of the 1923 draft Ordinance, which retained for citizens, upon whom township franchise had already been conferred, the right to continue to vote in Municipal elections.

5. Copies of the 1924 Ordinance† are enclosed, herewith, for your information and that of the Secretary of State for India.

6. I am sending a copy of this despatch to the Viceroy of India.

I have, &c.,

ATHLONE,

Governor-General.

33395

No. 120.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th July, 1924.)

(No. 318.)

SIR,

Governor-General's Office, Pretoria, 25th June, 1924.

I HAVE the honour to transmit herewith a copy of a telegram addressed to me by the Natal Indian Congress, Durban, protesting against the Durban Corporation Extended Powers Ordinance, 1924. I referred this telegram to my Ministers for advice and I enclose a copy of their reply.

2. In view of Ministers' remarks and the fact that there appear to be no substantial grounds for the objections of the Indians, I did not deem it necessary to take further steps in the matter and I accordingly signified my assent to the Ordinance,† a copy of which is enclosed for reference. I also enclose a copy of a telegram which I caused to be sent to the Congress.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure 1 in No. 120.

THE NATAL INDIAN CONGRESS, DURBAN, TO THE GOVERNOR-GENERAL, PRETORIA.

(Received 3rd June, 1924.)

TELEGRAM.

3RD JUNE. Indian community strongly protests against Private Draft Ordinance 13 of 1924 cited as Durban Corporation Extended Powers Ordinance, particularly against Section 11 thereof. Community appeal for opportunity to wait deputation on Governor-General and Ministers.

* No. 111. † Not printed here.

Enclosure 2 in No. 120.

Prime Minister's Office, Pretoria, 20th June, 1924.

MINUTE 468.

WITH reference to His Excellency the Governor-General's Minute No. 15/1215 of the 4th June, 1924, relative to the provisions of the Durban Corporation Extended Powers Ordinance, 1924 (No. 14 of 1924), Ministers have the honour to state that a telegram identical to that addressed to His Excellency was received by Ministers from the Natal Indian Congress on the 3rd June, 1924.

Owing to Ministers being busy with the elections, the Secretary to the Natal Indian Congress was advised on the 6th June that there was no prospect of Ministers being able to receive a deputation on this matter until after the 17th instant and that any objections to the Ordinance referred to should be submitted in writing and that full consideration would then be given to such representations.

Yesterday Ministers received a further communication from the Natal Indian Congress asking for a date to be fixed subsequent to the 17th June, 1924, for a deputation to be received, but as in terms of Section 90 of the South Africa Act, 1909, the period of one month specified therein expires to-day, there is no time to receive such a deputation and the Ordinance has accordingly been submitted for assent.

Ministers desire to add that the provisions of the Ordinance to which apparently exception is taken are contained in Section 11, which is aimed at Europeans.

J. C. SMETS.

Enclosure 4 in No. 120.

THE SECRETARY TO GOVERNOR-GENERAL, PRETORIA, TO THE NATAL INDIAN CONGRESS, DURBAN.

TELEGRAM.

(21st June, 1924.)

I AM directed to inform you with further reference to your telegram of the 3rd June that Ministers are unable to advise His Excellency to receive a deputation from the Indian community regarding the Durban Corporation Extended Powers Ordinance. Acting on the advice of his Ministers in Council His Excellency has now assented to the Ordinance.

40842

No. 121.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 27th August, 1924.)

India Office, Whitehall, London, S.W.1,

SIR,

26th August, 1924.

WITH reference to your letter of 11th June, 1924,* and to your letter of 22nd January, 1924,† and connected correspondence, relative to the qualification of voters in townships in Natal, I am directed by the Secretary of State for India to transmit, for the information of the Secretary of State for the Colonies, copy of a telegram received from the Government of India on the subject of the Natal Draft Municipal Ordinance, 1924-5.

Copy of the reply which Lord Olivier has returned to this telegram is also enclosed.

I am, &c.,

J. C. WALTON.

* 20417: not printed: forwarded copy of draft Municipal Ordinance.

† No. 117.

Enclosure 1 in No. 121.

TELEGRAM FROM THE VICEROY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, TO
SECRETARY OF STATE FOR INDIA.

(Received 8 a.m., 16th August, 1924.)

SIMLA, 16TH AUGUST. We have received the following telegram from Natal Indian Congress:—

Begins: Borough stumbling block, Ordinance 18 of 1924, disenfranchising Indians, Natal Municipalities, passed Provincial Council, notwithstanding protests of Indian community. Bill waiting assent Governor-General. Appeal to Indian Government protest and intervene our behalf. *Ends.*

We presume that this refers to Municipal Ordinance, copy of which was forwarded with Turner's letter E. and O. 1591/24, dated 23rd June, and Clause 13 of which would appear to operate to prevent Indians not already enrolled as Burgesses, from being enrolled as such in future, and, since Clause 5 enables any Township, constituted under Law 11, 1881, to be proclaimed a Borough under conditions that may easily be fulfilled, such deprivation may extend, not merely to new Boroughs proclaimed under Clause 4, but to all Municipalities in Natal. In our telegram 13 A, dated 8th January, 1924, we ventured, in regard to Hulett's Ordinance, to express a doubt as to whether it could be established that proposed legislation was necessary from any point of view, and felt it would certainly be harmful to Indian and to Imperial interests. We are not aware of the source from, and circumstances in which, the present Ordinance originated, and realize that it is less drastic than Hulett's Ordinance, but venture to think that its necessity and propriety are equally doubtful. We, therefore, hope that you will do all you can to induce the new ministry in South Africa to decline to recommend assent to it. Clause 170 of the Ordinance is also objectionable from our point of view, since it is likely to subserve the policy of segregation to which we have repeatedly objected.

Enclosure 2 in No. 121.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA TO THE VICEROY, DEPARTMENT
OF EDUCATION, HEALTH AND LANDS.

(Dated 22nd August, 1924.)

2391. Your telegram 16th August, Natal Municipal consolidating and amending Ordinance. For reason stated in my telegram of 5th February last, No. 399, the only possible course appears to be for you to address Union Government direct. I accordingly authorize you to inquire, if you wish, as to their attitude towards Clauses 13 and 5 of the present Ordinance, in view of Governor-General's Confidential Despatch dated 13th February, 1924, copy of which was sent to you direct.

It will be unnecessary to refer to Clause 170 as it merely reproduces Borough and Township Lands Ordinance, 1923, which received Governor-General's assent, see your Secretary's letter 7th June, 1923, 174.

Please inform me of any communication addressed to Union Government.

41852

No. 122.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd September, 1924.)

India Office, 2nd September, 1924.

THE Under Secretary of State for India presents his compliments to the Under Secretary of State for the Colonies and begs to transmit to him copy of a telegram from Government of India dated 28th August, 1924, on the subject of the Natal Draft Municipal Ordinance.

Reference to previous correspondence: Letter from the India Office of the 26th August, 1924.*

* No. 121.

Enclosure in No. 122.

TELEGRAM FROM THE VICEROY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, TO
THE SECRETARY OF STATE FOR INDIA.

(Received 4.30 p.m., 28th August, 1924.)

SIMLA, 28th August, 1924. Your telegram No. 2391, dated 22nd August. Natal Municipality (Municipal) Consolidating and Amending Ordinance. We have cabled to the Governor-General of South Africa, inviting attention to the implications of Clauses 5 and 13 of the Ordinance, and, after expressing grateful appreciation of the attitude of his former Ministers towards previous measures which sought to make Parliamentary roll basis for Township Franchise, and hope that the same attitude would be adopted towards the present Ordinance, have asked for an indication of the intentions of the present Government towards it. Copy of the telegram follows by mail.

43859

No. 123.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th September, 1924.)

(Confidential.)

SIR, Governor-General's Office, Cape Town, 27th August, 1924.

I HAVE the honour to transmit, for your information, copies of "The Boroughs Ordinance, 1924,"* passed by the Provincial Council of Natal, which, on the advice of my Ministers, I have reserved for further consideration.

2. My Government has taken this action in deference to the protests of the Indian community whose objections are chiefly directed against Clause 13 of the Bill, which restricts the Municipal franchise to possessors of the Parliamentary voters' qualification, although this is modified in some degree by a proviso that those whose names were on the Municipal Voters' Roll on the 1st August, 1924, shall retain their existing rights. In this connexion I would remind you that Indians in Natal, though not possessing the Parliamentary franchise, have always enjoyed the rights of Municipal voters. The Indians claim further that the Ordinance curtails their rights as regards the sale of land and the grant of licences, but these are matters of minor importance. I enclose a copy of a letter addressed to the Secretary for the Interior by the Natal Indian Congress dealing exhaustively with these points.

3. The passing of this Ordinance is the latest of the series of attempts which have been made by the Natal Provincial Council to impose disabilities on the Indians in that Province, and I would refer you to my despatch, Confidential, of the 13th February, 1924,† regarding the reservation of the Local Townships Ordinance, 1924, in which it was sought to incorporate a clause of similar effect without any qualification. An opportunity will be afforded to the Indians during the recess of making representations to the Government, and, as the Ordinance in terms of Clause 1 does not come into force until the 1st August, 1925, my Ministers have ample time to go into the matter with the Provincial Administration.

4. A copy of this despatch has been forwarded to the Viceroy of India.

I have, &c.,

ATHLONE,

Governor-General.

Enclosure in No. 123.

Natal Indian Congress,

175, Grey Street, Durban,

16th August, 1924.

SIR,

C.T. 135.

WE beg to acknowledge yours herein of the 5th instant on the subject of the Boroughs Ordinance No. 18 of 1924, recently passed by the Natal Provincial

* Not printed here. | No. 119.

Council. Your communication was duly placed before our Congress, and we have been advised to forward for Ministers' consideration the points following which, among others, constitute the objections of the Community represented by our Congress to the provisions of the Ordinance aforesaid.

Before enumerating such objections, however, our Congress desires to observe that the fact of the Ordinance having been under discussion with the Natal Authorities for a considerable time, would appear to it to be additional reason why our Community should be afforded somewhat extended consideration in their deliberation of the situation so suddenly arising.

As regards your observation that "it is extremely inconvenient to have a request for an interview put forward after the Ordinance has been passed by the Provincial Council of Natal," our Congress cannot see how it possibly could have moved for an interview before the Ordinance had, as a matter of fact, passed through the Provincial Council. But the fact is, so soon as the Draft Ordinance was made public in the *Provincial Gazette*, and even before the discussion thereof, our Congress laid its protest before the Provincial Council and thereafter sought for and secured an interview with the Administrator who advised us to bring our objections in evidence before the Select Committee appointed hereafter. Our Congress duly abided by the advice proffered by his Honour, but it remains now to be stated, with regret, that all such our representations before the Select Committee would appear to have ended abortively, by reason of the Ordinance being passed into law as originally drafted word for word, in so far as the same differentially affects the Indian community.

1. *Chapter IV, Section 13, Sub-section (1). Qualification of Burgesses.*—Anent Section 13, sub-section (1) our Congress objects that its provisions are directed to the categorical removal of the right enjoyed by the Natal Indian Community since the date of the first inception of municipalities within this Province. Our Congress denies *in toto* the authority of the Provincial Council to claim as to exercise such powers of destruction of pre-existing rights under any known law operating within the Union. It is not the purpose of our Congress' present representation to embark upon any profound disquisition of law on the subject, save and except that our Congress would reiterate that the Natal Provincial Council by promulgating Section 13, sub-section (1), has assumed unto itself powers unknown to it under the Parent Act constituting such Council, i.e., the South Africa Act. Section 13, sub-section (1), provides that every person being the owner of rateable property of the value of £50 or who occupies property of the rental value of £10 per annum may be enrolled as a burgess qualified to exercise the municipal vote subject at the same time to such person being entitled to exercise the Parliamentary franchise.

Now by the Natal Act No. 8 of 1896, Natal Indians have been arbitrarily disenfranchised as being the descendants of a people not in the enjoyment of representative Parliamentary institutions. This enactment was passed while Natal was yet an independent State in South Africa. By the passage of the South Africa Act, the Natal Act merged into the Parent Act and has become, as it were, an integral part of it. After Union, and by the passage of the South Africa Act, Natal ceased to be an independent State, and therefore on and after the date of the South Africa Act, the present Province of Natal cannot now, as it were, build upon powers that she enjoyed as an independent State before the Union. Secondly, it should not be difficult to see that Section 13, sub-section (1), presumes to legislate for the Union Parliament in that the person qualified as a provincial voter is, *ipso facto*, qualified as a Parliamentary voter, and the sub-section boldly relates to the Parliamentary voter by its reference that persons disentitled to exercise the Parliamentary vote shall not be entitled to exercise the municipal vote. Our Congress submits that the lack of Parliamentary qualifications on the part of Indians cannot be made the starting-off ground for legislation directed to destroy local municipal rights. Any legislation relating to and being associated with the Parliamentary franchise, it is respectfully submitted, can be adumbrated and initiated by the Union Legislature alone.

Our Congress, therefore, most emphatically holds that Section 13, sub-section (1) of the Ordinance is wholly *ultra vires* of the powers of the Natal Provincial Council.

Finally, as respecting this sub-section, it is pointed out that the provisions thereof are designed to operate retrospectively. The conclusion of clause (b) of the

sub-section reads "provided, however, that no person who at the 1st day of July, 1924, was enrolled as a burgess of any Borough shall be disqualified for or disentitled to such enrolment . . . for non-compliance with the foregoing provision in regard to Parliamentary qualifications." The operative effect of the words under quotation marks is clearly this, that in view of the Ordinance coming into force on the 1st day of August, 1925, all Indians enrolling themselves as between the 1st day of July, 1924, and the 1st day of August, 1925, shall on the date of promulgation, *ipso facto*, cease to enjoy the franchise and automatically drop out of the Burgess Roll. Our Congress protests that there is no precedent for legislation of the nature operating and taking effect retrospectively, but as our Congress, as set out above, is confirmed as to the invalidity of the section as affecting the Indian Community, it will not enlarge upon this aspect of retrospective operation of the law.

2. *Chapter XIII, Section 170. Conditions in regard to buildings, ownership and use or occupation of land.*—This section has been bodily taken over from the Durban Land Alienation Ordinance, recently passed by the Natal Provincial Council. The provisions of the section will speak for themselves. Suffice it here to say, that in their practical working the provisions will be made applicable to the Indian Community generally, that is, if our experience of the past respecting such legislation be any index of the future. Incidentally, we may illustrate our meaning by the action of a sub-committee appointed awhile ago under the identical clause occurring in the Durban Land Alienation Ordinance when that Sub-Committee, after exhaustive examination and inquiry, concluded that within the immense area of the Borough of Durban, there was not to be found more space for Indian settlement or occupation than one acre and a quarter certain. This finding of the sub-committee would serve sufficiently to illustrate how provisions such as those under consideration are calculated to be employed to the utter damage and detriment of the local Indian Community. Our Congress need hardly observe that Section 170 becoming law our Community would be instantly faced with the total deprivation of a long-enjoyed right, that is, the prospect of not any longer being able to purchase unalienated lands within the municipal bounds of the Natal Province.

3. *Chapter XV, Section 185. By-laws under heading Nuisances.*—Under the heading of Nuisances within purview of which are brought such matters as immorality, uncleanness, insanitary habits and the like, are included powers for making by-laws regulating "the use by coloured persons of vehicles plying for hire" (No. 10, 7th Schedule), under which our Congress rightly fears that harassing regulations may be devised making it wholly impossible for members of our Community to use the public conveyances. The consideration here is not by us wholly confined to the practical difficulties anticipated, but it will be readily seen that minor provisions of this nature directly affect the esteem and self-respect of our Community differentiated as it would be, under the provisions complained against from other sections of the general Community. Our Congress most strongly condemns provisions which not only by inference and implication but directly and categorically launch attacks upon the communal self-respect and honour of our Community under the cover of public general legislation. Our Community perforce is doubly dishonoured by such undisguised assaults upon its good name by reason of it being wholly devoid of any political power.

4. *Chapter XVII, Section 214, Sub-section 3. Licences.*—This sub-section is so aptly worded for the promoters of the Ordinance that it would appear at first sight futile for Indians to complain against its provisions. But our Congress does most emphatically and unhesitatingly state that several provisions of this sub-section will be employed to their full effect destructively of Indian rights and interests. The sub-section is, as it were, the vigorous child of European agitation which has been in evidence for years past. That agitation has been directed towards the decimation of Indian trading rights and the destruction of Indian commercial activity. The progress and advancement of the Natal Indian Community commercially, has ever been resented by the European community. Innumerable efforts, both individual and communal, have been made by the European section to not only reduce Indian trade and commerce to the irreducible minimum, but no small measure of European opinion has been from time to time in favour of total defacement of Indian trade and commerce. The sub-section under consideration then, our Congress is confirmed, is, as it were, the concentrated essence of the aims and objects actuating the afore-mentioned European agitation continued for years past. The danger of the provisions as perceived by our Community really lies in the very

general terms in which the sub-section is drafted. No one unacquainted with the history of Indian trade and commerce in Natal in the past or at the present can detect or anticipate harmful results from the provisions now considered, for the manner of their general wording at once disarms suspicion. But our Community can assert from bitter and long-continued experience, that the provisions of section 214, sub-section 3, will in their practical working be most generally employed to the great detriment of the Indian Mercantile Community.

It is from provisions of this very general nature our Community fears great harm and danger to come to itself.

Other obviously objectionable features contained in the Ordinance would readily present themselves to the Minister upon his first perusal of the measure, but our Congress will for the time being content itself with the enumeration of the above objections which it has hurriedly been able to discover in the provisions.

A full and detailed analysis of the measure must result in various other dangers and defects being discovered, but our Congress is sincerely of hope that the objections so far brought out will appear sufficient to the Minister to grant our Congress the desired interview with the Government. Our Congress feels that the Ordinance under consideration is by far the most extensive engine of destruction yet devised for the arrest of Indian progress and happiness in the Province of Natal. Our Congress is aware that in times past measures have been promulgated which, though ostensibly of general application, have been generally and exclusively employed to the detriment of our Community. But our Congress can recall no law whose provisions have in them the germ of great potentialities for evil than the present measure.

Wherefore our Congress hopes that the Minister may do it the preliminary justice of at least hearing our Congress' voice and views respecting the Ordinance for which our Community will ever feel grateful.

We beg, &c.,
SORABJI RUSTOJIY,
V. S. C. PATHER,
Joint Honorary Secretaries,
Natal Indian Congress.

The Secretary for the Interior,
Cape Town.

48298

No. 124.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE

(Received 30th September, 1924.)

(Confidential.)

SIR, Governor-General's Office, Cape Town, 8th September, 1924.

With reference to my Confidential despatch of the 27th August,* I have the honour to transmit to you the accompanying copy of a telegram which I have received from the Government of India regarding the Boroughs Ordinance of the Province of Natal, together with a copy of my reply.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure 1 in No. 124.

THE SECRETARY TO THE GOVERNMENT OF INDIA, SIMLA, TO THE GOVERNOR-GENERAL, CAPE TOWN.

(Received 27th August, 1924.)

TELEGRAM.

26TH AUGUST. Kindly refer to correspondence resting with Your Excellency's despatch of 13th February, 1924, regarding Ordinance to amend the

* No. 123.

Natal Local Township Law XI of 1881 in respect of qualifications of voters. We understand that the Boroughs Ordinance, No. XVIII (XIX) of 1924 has been passed by the Provincial Council, but has not yet received Your Excellency's assent. We are not aware of the circumstances in or source from which this Ordinance originated, but would respectfully invite attention to Clause 13 which so far as enrolment of burgesses in the future is concerned makes Parliamentary Roll basis for Borough Franchise a position which your former Ministers were not prepared to countenance as regards townships. We also venture to point out that since the Ordinance enables any Township constituted under Law No. XI of 1881 to be proclaimed a Borough under conditions that may easily be fulfilled, Clause No. 13 may ultimately become operative in all Municipalities in Natal. We gratefully acknowledge the fact that in the past attitude of Your Excellency's Government towards similar measures has been favourable to protection of existing Indian rights, and trust that the same generous attitude will be adopted towards present Ordinance. We shall, however, be glad to know action Your Excellency's Ministers propose to take in the matter.

Enclosure 2 in No. 124.

THE GOVERNOR-GENERAL, CAPE TOWN, TO THE VICEROY, SIMLA.

(8th September, 1924.)

TELEGRAM.

(Confidential.)

Your telegram of 26th August and my Confidential despatch 15/1226 of 27th August, in regard to the abridgement of the rights of Indians in Natal involved by Clause 13 of the Boroughs Ordinance, 1924, which has recently been passed by the Provincial Council of Natal. My Ministers point out that Ordinance has been reserved for further consideration and add that reasons which prompted them in making this recommendation were mainly the receipt by them of representations in regard to certain sections of the Ordinance, but notably from the Indian Congress of Natal in connexion with Section 13, as it was held by the Indian community that this section would operate very harshly against that community, and more especially as it sought to introduce legislation which had been embodied in a previous Ordinance, namely, the Townships Franchise Ordinance, which was not assented to when it was passed by the Provincial Council of Natal in the previous session.

Ministers also had representations from the Congress asking that a deputation might wait upon them to discuss the clauses in the Boroughs Ordinance to which the Indian community took exception, but as Ministers were unable fully to consider the provisions of the Ordinance and to discuss the details thereof with any deputations during the present Parliamentary Session, they decided to hold over full discussion until they return to Pretoria after the present Session closes. The representatives of the Indian Congress of Natal have been advised that the deputation will be received later on, and Ministers state that when the representations of the deputation have received their consideration they will be prepared to make recommendations as to the final action to be taken in regard to the Ordinance.

58258

No. 125.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.10 p.m., 15th December, 1924.)

TELEGRAM.

14TH DECEMBER. Confidential. My despatch of 8th September. Confidential.* On the advice of my Ministers I have now assented to Natal Borough Ordinance, and have sent following telegram to the Indian Government in response to inquiry received from them:—

Begin: 16th December. Confidential. Your telegram of 13th December, No. 8590, regarding the Natal Borough Ordinance has been referred to Ministers, and their reply will be communicated to you when received, but in

* No. 124.

the meantime it may be of interest to you to learn explanation given by my Prime Minister in conversation on the Government's reason for their deciding to recommend that assent should be given to the Ordinance. Prime Minister said that he was reluctant to curtail in any way the power of dealing with purely domestic questions conferred on the Province by the South Africa Act.

Only in the event of provincial legislation affecting the Union as a whole or if the Union Government contemplated legislation dealing with the same subject did he consider it was justifiable to veto Provincial legislation. Case of the Borough Ordinance presented none of these features as the only Province which could possibly be affected was the Transvaal, and the Union Government were unable to deal with the Asiatic question by legislation in the immediate future. Ordinance has been assented to. *Ends.*

(c) Correspondence regarding Admission of Wives and Children of Indians.

60741

No. 126.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 127.]

(No. 13.)

Sir, Downing Street, 10th January, 1922.
With reference to Your Royal Highness's despatch No. 240 of the 26th April, 1921,* I have the honour to transmit to you for the consideration of your Ministers a copy of a telegram† from the Government of India regarding the procedure for regulating the admission into the Union of the wives and minor children of Indians.

I have, &c.,

WINSTON S. CHURCHILL.

12211

No. 127.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 14th March, 1922.)

(No. 59.)

Sir, Governor-General's Office, Cape Town, 23rd February, 1922.
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 13, of the 10th January, 1922,† copy of a minute from Ministers on the subject of the admission into the Union of South Africa of the wives and minor children of Indians already domiciled there.

I have, &c.,

ARTHUR FREDERICK,
Governor General.

Enclosure in No. 127.

MINUTE No. 117.

Prime Minister's Office, 20th February, 1922.

With reference to His Royal Highness the Governor-General's Minute No. 15/1105, of the 6th February, 1922, on the subject of the admission into the Union of South Africa of the wives and minor children of Indians already domiciled there, Ministers have the honour to state in reply to the Viceroy's telegram of the 26th November, 1921, that the position in regard to passports is understood, and they note that Indian Local Governments are being instructed in regard to withholding passports to Indians who would be excluded from the Union under existing regulations.

* No. 107 in Dominions No. 74. † Enclosure 1 in No. 108 in Dominions No. 74. ‡ No. 126.

The remarks of the Viceroy in regard to the status of Principal Local Magistrates have cleared up a point upon which Ministers were in some doubt, and they will accept the required Certificates signed by Principal Magistrates in accordance with the Commerce Department's Resolutions.

In the matter of the admission of plural wives under the Smuts-Ghandi Agreement, Ministers would point out that at the time of that Agreement Mr. Ghandi undertook to submit a list of plural wives for the information of the Government, with a view to ascertaining the likely number that would apply for admission. Such a list was, however, never submitted, and in the circumstances no further action on that point was taken. Such cases as have occurred have been decided on their merits, and provided that the plurality existed at the time of the Agreement no difficulty has been raised in regard to admission. This policy will be continued and such plural wives and their children will not be excluded, provided the inquiries to be made in each case are satisfactory to the Union Government. If, however, the number increases to any great extent the Union Government will reserve the right to reconsider the position.

PATRICK DUNCAN.

39111

No. 128.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8th August, 1922.)

(No. 393.)

Sir, Governor-General's Office, Cape Town, 19th July, 1922.
I HAVE the honour to transmit to you herewith, with reference to Lord Buxton's despatch No. 1061 of the 27th September, 1916,* and Mr. (now Viscount) Long's despatch No. 100 of the 28th February, 1917,† a copy of Minute No. 544 from Ministers, dated 14th July, and a despatch to the Viceroy of India, Delhi, dated 18th July, on the subject of arrangements for the admission into the Union of the wives and minor children of Indians.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

Enclosure 1 in No. 128.

(Minute No. 544.)

Prime Minister's Office, 14th July, 1922.

MINISTERS have the honour to refer to their Minute No. 1255 of the 30th August, 1916, and Lord Buxton's reply thereto under No. 15/862 of the 24th March, 1917, which transmitted a copy of a letter from the India Office relative to the admission into the Union of the wives and minor children of Indians. Under Resolution by the Government of India in the Department of Commerce and Industry (No. 64—E.D.), dated Delhi, 12th January, 1917, procedure was laid down for the issue of provisional certificates in the case of Indians who had left the Union on a visit to India before the promulgation of Resolution No. 8759—8774—24 of the 3rd September, 1914.

Ministers would point out that as the procedure laid down by the Resolution of 1914 has been in existence for some eight years, they consider that ample time has been given for all Indians who were absent from the Union at that time to have returned, and, where the admission of wives and minor children is concerned to place themselves in a position to comply with its provisions. They therefore consider that the Resolution of 1917 should now be cancelled, and they have the honour to request that the Government of India may be informed accordingly.

While not presuming to criticize the methods adopted by officials of another Government, Ministers nevertheless feel constrained to state that it is the experience of the Immigration authorities in the Union that the provisional certificates issued under the Resolution of 1917 have not been confined to those cases they were intended to cover, and in actual practice it has been found that they have been issued to all and sundry, irrespective of whether the applicant could have obtained the proper

* No. 13 in Dominions No. 63. † No. 22 in Dominions No. 63.

form for admission under the Resolution of 1914. The facility with which the certificates have been obtained has led to an unfortunate result, in that persons who have had some fears in regard to the admission of their families, have purposely avoided obtaining the correct form under the Resolution of 1914, and have obtained the provisional certificate in support of their claims. The Immigration authorities have had grave doubts of the validity of such claims in several cases, and have prohibited the intending immigrants from entering the Union. Such prohibitions have appealed against the decision under the provisions of Section 2 of the Immigrants Regulation Act of 1913, and the appeals have been adjourned until such time as the correct form under the Resolution of 1914 has been completed and a magisterial report obtained from India. These reports have proved most useful, and have resulted in detecting fraud in some cases, with the subsequent dismissal of the appeal and the enforced return of the applicant to India.

Ministers are constrained, therefore, to state that in future they cannot undertake to recognize any provisional certificate issued under the Resolution of 1917, and that the claims of persons to enter the Union must be advanced under the procedure laid down in Resolution No. 8759-8774-24 of the 3rd September, 1914.

The only persons likely to suffer any hardships by the withdrawal of the provisional certificate are those who marry while on a visit to India, and desire to bring their wives and children back with them, but have failed to obtain the proper form (D.I. 91) before leaving the Union. If such persons are instructed by Indian Magistrates to communicate their desire to the Principal Immigration Officer of the Province of the Union to which they are returning, these officers will despatch the requisite forms on receipt of such applications where the applicant is the holder of a current certificate of identity, which all Indians leaving the Union are required to possess, and provided, of course, the Principal Immigration Officer concerned is satisfied that the case is a genuine one. The Principal Immigration Officers concerned may be addressed at The Point, Natal (for the Province of Natal and the Orange Free State), at P.O., Box 6, Cape Town (for the Province of the Cape of Good Hope), and at P.O., Box 244, Pretoria (for the Province of the Transvaal).

Ministers would suggest that the instructions which it is presumed the Government of India will issue in regard to the withdrawal of Resolution No. 64-E.D., of the 12th January, 1917, contain the information in the foregoing paragraph.

J. C. SMUTS.

Enclosure 2 in No. 128.

(No. 15/1122.)

My Lord, Governor-General's Office, Cape Town, 18th July, 1922.

With reference to the Resolution of the Government of India in the Department of Commerce and Industry, No. 64-E.D., dated Delhi, the 12th January, 1917, regarding the arrangements for the admission into the Union of the wives and minor children of Indians, I have the honour to transmit to Your Excellency a copy of a Minute* from my Ministers, and to request that the necessary instructions may be issued to the authorities concerned.

I have, &c.,

ARTHUR FREDERICK,
Governor-General.

His Excellency

The Right Honourable

The Earl of Reading, G.M.S.I., G.M.I.E., G.C.B., K.C.V.O.,

&c., &c., &c.,

Viceroy of India,

Delhi.

54386

No. 129.

INDIA OFFICE to COLONIAL OFFICE.

(Received 2nd November, 1922.)

SIR,

India Office, 1st November, 1922.

I AM directed by the Secretary of State for India in Council to transmit to you, for the information of the Secretary of State for the Colonies, copy of a letter

* Enclosure 1.

from Government of India and enclosures 2 and 3, on the subject of the admission of the wives and minor children of Indians into the Union of South Africa.

I am, &c.,

F. W. DUKE.

References to previous correspondence: Letter to the India Office of the 15th August, 1922.*

Enclosure in No. 129.

No. 277.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration.)

Simla, the 12th October, 1922.

Subject: Procedure for the entry into the Union of South Africa of the wives and minor children of Indians on a visit to India.

SIR,

WITH reference to the correspondence ending with the letter from the Department of Commerce and Industry No. 7, Emigration, dated the 19th January, 1917, I am directed to forward, for information and communication to the Colonial Office, three copies of the papers noted in the margin, regarding the procedure for the entry into the Union of South Africa of the wives and minor children of Indians on a visit to India.

I have, &c.,

J. HULLAH,

Secretary.

To

The Under Secretary of State for India,
Industries and Overseas Department,
India Office.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration.)

RESOLUTION.

Simla, the 28th September, 1922.

No. 504-Emi.—In the Government of India, Department of Commerce and Industry, Resolution No. 64-E.D., dated the 12th January, 1917, a procedure for the entry into the Union of South Africa of the wives and minor children of Indians, who had left the Union on a visit to India before the promulgation of the Resolution by the Government of India, Department of Commerce and Industry, No. 8759-8774-24, dated the 3rd September, 1914, was prescribed at the instance of the Government of the Union of South Africa. The Union Government now consider that, as the procedure laid down by the Resolution of 3rd September, 1914, has been in existence for 8 years, sufficient time has been allowed for all Indians who were absent from the Union at that time to have returned to South Africa. They have, therefore, requested the Government of India to cancel the Resolution of the 12th January, 1917, and to prescribe that the claims of Indians, for the admission into the Union of their wives and minor children should be dealt with in accordance with the procedure laid down in the Resolution of 1914. The procedure adopted in that Resolution is briefly as follows:—

- (1) The husband or father resident in the Union should apply in the prescribed form to the immigration authorities or to the local Magistrate for a certificate that he is at liberty to bring in his wife or children from India;

* 39111: not printed; forwarded copy of No. 128.

† Enclosure 2 in No. 128.

(2) This certificate, when obtained, should be transmitted by him to his wife or children in India, together with his application for a certificate of relationship, for production before the principal local Magistrate in India;

(3) After local inquiry, the principal local Magistrate should issue a certificate of relationship in the prescribed form.

2. The Union Government have further suggested that persons who may, while on a visit to India, desire to take their wives and children back with them to South Africa but have failed to obtain the proper form (D. I 91) before leaving the Union, should be instructed by Magistrate in India to communicate their desire to the Principal Immigration Officer of the Province of the Union to which they are returning. These officers will despatch the requisite forms on receipt of such applications where the applicant is the holder of a current certificate of identity, which all Indians leaving the Union are required to possess, and provided the Principal Immigration Officer is satisfied that the case is a genuine one. The Principal Immigration Officers concerned should be addressed at The Point Natal (for the Province of Natal and the Orange Free State) at Post Office Box 6, Cape Town (for the Province of the Cape of Good Hope) and at Post Office Box 244 Pretoria (for the Province of the Transvaal).

3. The Government of India have decided that the Resolution of 12th January, 1917, should be cancelled and that the procedure described in the two preceding paragraphs should be observed in future.

Ordered that the foregoing Resolution be forwarded to all local Governments and Administrations, for information and guidance, and to the Foreign and Political Department, for communication to the Agents to the Governor-General and Political officers in Indian States.

Ordered also that the Resolution be published in the *Gazette of India*.

J. HULLAH,

Secretary to the Government of India.

YOUR ROYAL HIGHNESS,

4th October, 1922.

With reference to Your Royal Highness's letter No. 15/1122, dated the 18th July, 1922, I have the honour to forward a copy of the Resolution No. 504-Emi., dated the 28th September, 1922, issued by the Government of India in accordance with the request of the Union Government and laying down the procedure for the entry into the Union of South Africa of wives and minor children of Indians on a visit to India.

2. In order to minimize any inconvenience which the procedure prescribed in the Resolution may entail on Indians, I trust that the Union Government will issue instructions to the Principal Immigration Officers to dispose with the least possible delay of applications from Indians in India for the requisite forms authorizing them to take their wives and minor children into the Union.

3. With reference to paragraph 3 of Your Royal Highness's Ministers' minute of 14th July, I may observe that the procedure prescribed by the Government of India in 1917, was that suggested by the Union Government themselves, and that no complaints have previously reached the Government of India that this procedure was being abused. It was then definitely laid down that the certificate did not in itself give either the applicant himself or his relations any claim to enter South Africa.

I have, &c.,

READING,

Viceroy and Governor-General of India.

To

His Royal Highness the Governor-General of
South Africa, Government House,
Cape Town.

(d) Correspondence regarding the grant of Empire-wide endorsements on passports of Indians.

52666

No. 130.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th October, 1923.)

[Answered by No. 131.]

(Confidential.)

MY LORD DUKE, Governor-General's Office, Pretoria, 10th October, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch Dominions No. 325, Confidential, of the 28th August, 1923,* copy of Minute from Ministers on the subject of the Empire-wide passport system.

I have, &c.,

ARTHUR FREDERICK,

Governor-General.

Enclosure in No. 130.

Prime Minister's Office, 9th October, 1923.

MINUTE 724.

WITH reference to His Royal Highness the Governor-General's Minute No. 61/579 of the 21st September, 1923, on the subject of the Empire-wide passport system, Ministers have the honour to state that the procedure in the Union of South Africa is to place the Empire-wide endorsement on the passports of all British subjects except those falling under the following categories:—

(1) Locally naturalized British subjects, which description is held to include persons who were burghers of either the South African or Orange Free State Republic by naturalization as distinct from birth.

(2) The classes of persons referred to in paragraph 48, Chapter XXVI, of the Consular Instructions, and

(3) Indians, aboriginal natives and coloured persons domiciled in the Union of South Africa.

With regard to category No. 3, Ministers desire to explain that the reason for withholding the Empire-wide endorsement in these cases is that there are restrictions on the admission of such persons to certain parts of the Empire, and as these persons are generally illiterate it is considered preferable to endorse their passports only for the specific part of the Empire to which they desire to travel, after ascertaining, as far as possible, that there is a reasonable prospect of their being admitted to the country in question, and also that they are in a position to maintain themselves while there. This procedure safeguards them to a certain extent from making fruitless journeys, and also minimises the risk of their having to be repatriated at the expense of the Union Government.

Ministers desire to add, however, that it was not understood that the mere absence of the Empire-wide endorsement on a British passport would prejudice an application for a further endorsement to travel elsewhere, provided such application was supported by satisfactory evidence as to character and bona fides.

PATRICK DUNCAN,

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 132.]

(Confidential.)

MY LORD,

Downing Street, 15th July, 1924.

With reference to His Royal Highness Prince Arthur of Connaught's Confidential despatch of the 10th of October, 1923,* and to my Confidential (3) despatch of the 12th of June,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a letter from the Government of India regarding the grant of Empire-wide endorsements on passports granted to British Indian subjects domiciled in the Union.

2. The Secretary of State for India has asked that the Union Government should in the circumstances consider the possibility of revising their instructions so as to permit the issue of the Empire-wide endorsements to Indians in cases where the issuing authority is satisfied that the applicant is qualified to enter other Dominions.

I have, &c.,
J. H. THOMAS.

Enclosure in No. 131.

(No. 16(2)—G.)

From

THE SECRETARY TO THE GOVERNMENT OF INDIA IN THE FOREIGN AND POLITICAL DEPARTMENT,

To

THE UNDER SECRETARY OF STATE FOR INDIA, INDUSTRIES AND OVERSEAS DEPARTMENT, INDIA OFFICE, LONDON, S.W.1.

Simla, 19th May, 1924.

Empire-wide endorsements. Practice of the Union Government to withhold Empire-wide endorsements on passports issued to British Indians domiciled in the Union of South Africa.

SIR,

I AM directed to refer to the correspondence forwarded under cover of your letter dated the 2nd of January, 1924, and to say that it is noticed by the Government of India that the Union Government's practice is to withhold the Empire-wide endorsement in the case of all British Indian subjects domiciled in the Union of South Africa on the ground that there are restrictions on the admission of such persons to certain parts of the Empire.

2. In all Dominions, in accordance with the terms of the reciprocity Resolution adopted at the Imperial War Conference, 1918, special exemption is made in favour of Indian tourists, students and merchants visiting them not for settlement but for temporary residence. In the case of these classes of travellers, therefore, Empire-wide endorsements are issued by passport issuing authorities in India, though they are given discretion to withhold the grant of this endorsement if they see reason to do so; and the Government of India would be glad if the Union of South Africa could see their way to bring their practice into line with that followed in this country.

I have, &c.,
DENYS BRAY,
Secretary to the Government of India.

* No. 130. † No. 17.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th December, 1924.)

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 26th November, 1924.

I HAVE the honour to transmit to you herewith, with reference to your predecessor's despatches Confidential of the 15th July, 1924,* and Confidential (3) of the 12th June, 1924,† copy of Ministers' Minute on the subject of the grant of Empire-wide endorsements on passports granted to British Indian subjects domiciled in the Union of South Africa.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure in No. 132.

Prime Minister's Office, 25th November, 1924.

MINUTE 935.

With reference to His Excellency the Governor-General's Confidential Minute No. 61/674 of the 7th August, 1924, on the subject of the grant of Empire-wide endorsements on passports issued to British Indian subjects, Ministers have the honour to state that the terms of the reciprocity Resolution adopted at the Imperial War Conference, 1918, have not so far operated generally in the Union of South Africa, and Ministers are unable to accept the Resolution as being applicable to all Indian tourists, students and merchants desiring to visit the Union for temporary purposes. The practice of the Union Government is to admit such persons in special circumstances on temporary permit, and Ministers are prepared to continue this practice but desire it to be clearly understood that permission to enter the Union must be obtained beforehand, and for this reason it will be necessary to exclude the Union from the scope of Empire-wide endorsements which may be granted to Indians in India and elsewhere.

Ministers are prepared to accede to the request of the Government of India in so far as the grant of Empire-wide endorsements to British Indian subjects domiciled in the Union are concerned, provided that there is a reasonable prospect of the individual being admitted to all parts of the British Empire covered by the Empire-wide endorsement.

Ministers understand, for instance, that all coloured persons, although British subjects, must obtain a special permit from the Minister of Customs, Wellington, before being allowed to land in New Zealand. It would, therefore, appear to be necessary to exclude New Zealand from the scope of an Empire-wide endorsement in the case of an Indian unless the permit referred to above is first obtained. Ministers would be glad to receive further information on this point, and also to be informed what qualifications generally must be possessed by Indians falling under the categories tourist, student or merchant to enable them to gain admission to the various parts of the British Empire for temporary residence. Ministers desire to make it quite clear that the practice of withholding the Empire-wide endorsement in the case of Indians was adopted because it was thought to be in the best interests of all concerned that Indians domiciled in the Union should not be granted facilities to travel to countries to which there was little likelihood of their being admitted, and from the terms of the despatch from the Secretary of State for the Colonies dated 12th June, 1924,† forwarded under cover of His Excellency's Minute No. 61/659 of the 5th July, 1924, it was understood that the Government of India desired this practice to be followed.

While on this subject Ministers deem it desirable to add that it is necessary to limit the validity of passports issued to Indians in the Union to three years to coincide with the period of availability of the certificates of identity which are issued to Indians leaving South Africa for a temporary sojourn abroad. In terms of Act No. 22 of 1913, these certificates of identity protect the holder from the necessity of having to prove that he has not lost his domicile on seeking to re-enter the Union.

J. B. M. HERTZOG.

* No. 131. † No. 17.

10971

No. 133.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3rd March, 1923.)

Sir,

India Office,
Whitehall, London, S.W.1, 2nd March, 1923.

I AM directed by the Secretary of State for India to forward, for the information of the Secretary of State for the Colonies, copy of a telegram received from the Government of India regarding a telegram from the Secretary of the British Indian Association, Johannesburg, appealing on behalf of certain Indian traders resident at Springs Bazaar to whom renewals of their trading licences are stated to have been refused in 1921, and asking that the Indians in question may be allowed to trade pending the conclusion of an agreement for the removal of their stands to a suitable portion of a site already selected.

Viscount Peel would be glad to learn whether, if the Duke of Devonshire sees no objection, an enquiry could be made of the Union Government as to the facts of the case.

I have, &c.,
L. J. KERSHAW,
Secretary, Industries and Overseas Department.

Enclosure in No. 133.

TELEGRAM FROM VICEROY TO SECRETARY OF STATE FOR INDIA.

(Received 8 a.m., 21st February, 1923.)

DELHI, 20th February. 149EMI. Following telegram received from Naidoo, Secretary, British Indian Association, Johannesburg:—*Begins:* Indians resident Springs Bazaar granted licences trade 1920. Following year Council refused renewals on ground stands on mining area. On representations by Registrar, Asiatics, and Association, Council allowed Indians continue trade without licences, pending removal new site. Subsequently new site agreed upon. Council now refuses all at site originally pointed out, but established another unsuitable for trade and occupation. Indians prosecuted trading without licences. Three fines £5 each. Appealing many holding large stocks be utterly ruined. Total loss of thousands; appeal Indian Government bring immediate pressure Union Government permit Indians carry on, pending agreement removal to suitable portion site already selected.—SECRETARY TO THE GOVERNMENT OF INDIA, REVENUE AND AGRICULTURE DEPARTMENT.

10971

No. 134.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 136.]

(No. 70.)

Sir,

Downing Street, 17th March, 1923.

I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, the accompanying copy of a telegram* received from the Viceroy of India regarding an appeal by the British Indian Association, Johannesburg, on behalf of certain Indian traders at Springs Bazaar, to whom renewals of their trading licences are stated to have been refused in 1921.

The Secretary of State for India has asked whether he can be informed of the facts of the case.

I have, &c.,
DEVONSHIRE.

* Enclosure in No. 133.

14063

No. 135.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th March, 1923.)

(No. 64.)

MY LORD DUKE, Governor-General's Office, Cape Town, 2nd March, 1923.

I HAVE the honour to enclose herewith copies of the majority judgment* delivered by Sir William Solomon in the Appellate Division of the Supreme Court in the case *Mahomed Pasha v. The King*.

2. The Plaintiff contends that a notice issued by the Minister of the Interior on 2nd August, 1913, under Section 4 (1) (a) of the Immigration Act of 1913, the effect of which was that Asiatics became prohibited immigrants, is *ultra vires*.

3. Conflicting judgments on this question had already been delivered in the Natal and Cape Provincial Divisions, the former Court deciding that the notice was *intra vires*, while the latter maintained that it was *ultra vires*. The decision of the Natal Court was subsequently upheld by a full Court of the Transvaal Provincial Division.

4. In order to bring the declaration of the Minister within the provisions of Section 4 (1) (a) of the Act, Sir William Solomon declared that it was necessary to determine the following points:—

- (1) What is meant by "Asiatic person."
- (2) Can "Asiatics" be legitimately described as a "class" and
- (3) Are they unsuited to the requirements of the Union and the Provinces on economic grounds.

5. His Honour argued that the popular interpretation should be given to the word "Asiatic," that is to say, that it should be held to mean a "coloured" native of Asia, such as an Indian, Chinese, or Malay, and should not include white people like Jews and Syrians. The Minister has explicitly declared this to be his conception of the term, and that this was the intention of the Government is evident from Ministers' Minute enclosed with Lord Gladstone's despatch of the 12th March, 1913.†

6. With regard to 2, the majority verdict upholds Justice Gardiner's contention that "there is no limit to the manner in which persons may be classified" and that any number of persons possessing some attribute in common may constitute a class, it being immaterial whether they were many or few in number. In the opinion of the majority of the Judges such common attribute was possessed by all "Asiatics."

7. Finally it was decided that the Legislature intended to use the word "economic" in its widest sense, and once this was conceded it was a simple matter to prove that Asiatics could be reasonably regarded as "unsuited" to the requirements of the Union.

8. The Chief Justice and Sir John Kotze delivered a dissenting judgment on the grounds that the basis of classification was too wide.

9. Sir William Solomon has sat on several Commissions appointed to deal with these questions, and is therefore exceptionally well informed on the Asiatic problem.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

25428

No. 136.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22nd May, 1923.)

[Answered by No. 137.]

(No. 207.)

MY LORD DUKE, Governor-General's Office, Cape Town, 3rd May, 1923.

I HAVE the honour to transmit to Your Grace herewith, with reference to your despatch No. 70 of the 17th March, 1923,‡ a copy of Minute No. 295 from Ministers

* Not printed. † No. 5 in [Cmd. 6940]. ‡ No. 134.

on the subject of the renewal of trading licences to Indian traders in the Springs Asiatic Bazaar.

I have, &c.,
ARTHUR FREDERICK,
Governor-General.

Enclosure in No. 136.

Prime Minister's Office, 1st May, 1923.

MINUTE 295.

WITH reference to His Royal Highness the Governor-General's Minute No. 15/1144 of the 10th April, 1923, on the subject of the renewal of trading licences to Indian traders in the Springs Asiatic Bazaar, Ministers have the honour to state that the information conveyed to the Government of India in the telegram from the British Indian Association is correct. Since then representations as to the unsuitability of the proposed new site for the bazaar have been made by the Government through the Registrar of Asiatics, with the result that the Council of the Springs Municipality is considering the question of allocating a suitable site which will meet the wishes of the Asiatic community. The Council is to deal with the matter at its meeting on the 26th April, 1923, and thereafter to inform the Government of the decision arrived at.

The Government's representations were on a purely friendly basis, as it has no *locus standi* in regard to local government matters, which are the concern of the Provincial Administration, through whom the correspondence was conducted.

The renewal of licences for trading in the old bazaar was refused this year, as the bazaar is situated on ground proclaimed as a mining area on which coloured persons, including Asiatics, are forbidden by law to trade, and the mining area in question is to be developed by the company concerned.

Ministers will furnish a further report when the decision of the Springs Municipality has been reached in regard to the new site for the Asiatic Bazaar.

J. C. SMUTS.

62841

No. 137.

THE SECRETARY OF STATE TO THE ACTING GOVERNOR-GENERAL.

[Answered by No. 138.]

(No. 10.)

SIR,

Downing Street, 10th January, 1924.

WITH reference to His Royal Highness Prince Arthur of Connaught's despatch No. 207 of the 3rd of May, 1923,* regarding the renewal of trading licences to Indian traders in the Springs Asiatic Bazaar, I have the honour to request Your Excellency to inform your Ministers that the Secretary of State for India has inquired whether any further information is now available on the subject for communication to the Government of India.

I have, &c.,
DEVONSHIRE.

14077

No. 138.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24th March, 1924.)

(No. 84.)

Governor-General's Office, Cape Town,

5th March, 1924.

SIR,

I HAVE the honour to transmit to you herewith, with reference to the Duke of Devonshire's despatch No. 10 of the 10th January, 1924,† copy of Minister's

* No. 136.

† No. 137.

Minute on the subject of the renewal of trading licences to Indian traders in the Springs Asiatic Bazaar.

I have, &c.,
ATHLONE,
Governor-General.

Enclosure in No. 138.

Prime Minister's Office, Cape Town, 29th February, 1924.

MINUTE No. 142.

WITH reference to His Excellency the Governor-General's Minute No. 15/1150 of the 30th January, 1924, on the subject of the renewal of trading licences to Indian traders in the Springs Asiatic Bazaar, Ministers have the honour to state that they are informed by the Town Clerk of Springs that no genuine applications for licences have been refused by the Municipal Council where the law provides for their issue. The site of the new Bazaar will shortly be approved and the Bazaar Regulations promulgated, and in the *interim* licences are being granted for trading in anticipation of the adjustment of these outstanding questions.

J. C. SMUTS.

VI.—SOUTHERN RHODESIA.

Correspondence regarding Entry of Asiatics.

24159

No. 139.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 21st May, 1924.)

[Answered by Nos. 140, 142 and 144.]

(Confidential.)

SIR,

Governor's Office, Salisbury (Rhodesia), 23rd April, 1924.

I HAVE the honour to inform you that the question of imposing restrictions upon the immigration of Indians into Southern Rhodesia has lately been considered by my Ministers.

2. The immigration of Asiatics into Southern Rhodesia is governed by the provisions of the Immigration Regulation Ordinance, No. 7 of 1914, as amended by Ordinances No. 28 of 1914 and No. 14 of 1916.

These laws are applicable to all persons irrespective of race and nationality. There is no specific provision for the exclusion of Asiatic immigrants; but sub-section 1 of Section 2 of Ordinance No. 7 of 1914 provides that:—

"Any person or class of persons declared by the Governor-in-Council on economic grounds, or on account of standard or habits of life, to be undesirable inhabitants shall be a prohibited immigrant."

3. No declaration has been made under that provision for the inclusion of Asiatics in the category of undesirable inhabitants; but, since the promulgation of Ordinance No. 7 of 1914, illiterate Indians have been excluded from Southern Rhodesia.

The conditions under which Indians have immigrated into and settled in Southern Rhodesia are altogether different from those under which Indians have entered Natal and Kenya. All the Indians who have entered Southern Rhodesia have come as free immigrants. The majority of them are engaged in trade, and a certain number are employed as laundrymen, market gardeners and tailors.

In 1916, in order to meet the wishes expressed by British Indians resident in Southern Rhodesia for the recognition of their lawful residence in the Territory, a system of voluntary registration was introduced based upon finger-print identification.

I enclose a copy of a Memorandum by the Chief Immigration Officer describing the system.

According to the census of 1921 the number of Indians lawfully resident in the Colony was 1,250, and the number of male Asiatics registered at the end of 1923 was 1,121.

4. Public opinion in Southern Rhodesia universally favours the prohibition of Indian immigration in the interests of Europeans and natives alike.

The exclusion of Indians is an item in the electoral programme of Government candidates at the forthcoming election; and there is a general desire that restrictions should be imposed without avoidable delay, in order that the risk of creating in Southern Rhodesia difficulties such as have arisen in Kenya and Natal may be avoided.

As regards the views of the Indians now residing in the Colony on the proposal to exclude Indians, it may be observed that in 1908 when the introduction of an Asiatic Registration Ordinance was under consideration, a deputation of Indians stated: "We do not want you to register us; but we should be glad if you could prevent any more Indians coming in."

This view has, I understand, since been repeated by Indians on several occasions; and a deputation of Indians, which waited upon the Premier last week, informed him that they raised no objection to the proposal to prohibit the immigration of Indians into the Colony.

5. In order to avoid the risk of an agitation, which it was feared that the issue of a public announcement of policy might arouse, my Ministers at first proposed to deal with the question by using the powers now enjoyed by the Governor-in-Council to exclude particular Indians as undesirable inhabitants. It was proposed that confidential instructions should be issued to Immigration Officers to reserve all cases of intending Indian immigrants for consideration by the Governor-in-Council, the intention being that each individual should be declared to be, on economic grounds, an undesirable inhabitant and therefore a prohibited immigrant.

6. Before taking action in the matter the Premier discussed the question with me, and I enclose a copy of a Note which I sent to him embodying my views.

The Premier dissents from the suggestion in paragraph 4 of my Note that "natives" in Section 29(a) of Constitution Letters Patent includes Indians; but the point is for the purposes of the question now under consideration of no importance. For the rest, the Premier concurs in the views expressed in my Note; and he has decided that a minute shall be laid before the Governor-in-Council recommending that all Asiatics should be declared to be undesirable inhabitants on economic grounds under Section 2, sub-section (1) of Ordinance No. 7 of 1914.

7. This course will be in conformity with the procedure followed by the Union Government in dealing with the question of Indian immigration. Section 2(1) of Southern Rhodesia Ordinance, No. 7 of 1914, is for all practical purposes identical with Section 4(1)(a) of the Union Act 22 of 1913.

Acting under the powers conferred by the latter section, the Minister of the Interior of the Union issued a notice declaring every Asiatic person to be unsuited on economic grounds to the requirements of the Union. The validity of that notice was affirmed by the Appellate Division in the case *Rex vs. Padsha* in 1923.

8. No action will be taken in regard to this question until after Mrs. Naidu, the Indian poetess and political agitator, who is now touring in South Africa, has paid her contemplated visit to Southern Rhodesia.

I have, &c.,

J. R. CHANCELLOR,

Governor.

Enclosure 1 in No. 139.

MEMORANDUM IN REGARD TO THE VOLUNTARY REGISTRATION OF ASIATICS IN SOUTHERN RHODESIA.

In accordance with the direction of His Honour the Administrator, and in order to meet the wishes of British Indians resident of Southern Rhodesia for the recognition of their lawful residence in this Territory, the Government introduced a Voluntary System of Registration which became operative on 22nd June, 1916, the conditions of which, based on finger-print identity, were as follows:—

(a) "The Government is prepared to provide facilities for voluntary registration on the part of Asiatics who are now in the Territory and were resident here prior to 9th October, 1914, the date on which the 'Immigrants Regulation Ordinance' came into effect;

(b) "Every person so registered will receive a Certificate and will be entitled to come and go freely to and from the Territory. This privilege will not be accorded to those who may be proved to have entered by fraud or to have been parties to any irregularity in regard to their entry, or who, on entry to Rhodesia has a criminal record."

2. In response to the representations made it was approved that facilities for voluntary registration should be granted to the following Asiatics:—

(a) British Indians;

(b) Goanese Indians;

(c) Chinese; and

(d) Somalis.

In the case of (a) their registration was conditional upon the following endorsement being made on the certificate issued:—

"This Certificate is issued purely for convenience and confers no right on the owner."

3. As a result, practically every Asiatic belonging to the races mentioned and lawfully resident of Southern Rhodesia has taken advantage of the facilities afforded by voluntary registration, and acceptance of the scheme has proved invaluable to them as well as to this Government in all matters affecting Asiatic immigration to and Asiatic residents of the Territory.

4. It will be observed that whilst the system of voluntary registration received Administrative sanction, no legislation has yet been introduced to validate it in so far as production of the Certificate is concerned; it is pertinent to state, however, that on the representations made by Asiatics in Rhodesia His Honour the Administrator gave the following decision:—

"That no regulation would be introduced making non-production of the Certificate a punishable offence."

J. C. BRUNDELL,

Chief Immigration Officer.

Enclosure 2 in No. 139.

INDIAN IMMIGRATION.

Note by Governor.

In view of the important Imperial issues touched by the question of the position of Indians in Southern Rhodesia, it is desirable that it should be dealt with with circumspection, in order to avoid causing avoidable embarrassment to the Imperial Government.

2. The question of the treatment of the Indian population in Southern Rhodesia presents itself under two aspects:—

(1) The status of Indians now resident in the Colony; and

(2) The admission into the Colony of new Indian immigrants.

3. The Imperial Conference of 1921 passed the following resolution (the representatives of the Union of South Africa dissenting):—

"The Conference, while reaffirming the resolution of the Imperial War Conference of 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any other communities, recognizes that there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Conference accordingly is of the opinion that in the interests of the solidarity of the British Commonwealth it is desirable that the rights of such Indians to citizenship should be recognized."

That resolution was reaffirmed at the Imperial Conference of 1923.

4. Under the Letters Patent establishing the constitution of Southern Rhodesia, Section 29(a), the Governor is instructed to reserve for His Majesty's instructions any law whereby natives (and it is to be presumed from the context that natives includes Indians) may be made subject to any conditions, disabilities or restrictions to which persons of European descent are not also subjected.

The question of the status of Indians resident in Southern Rhodesia, however, presents no difficulties at the present time. The Indians now resident in the Colony are contented, and, so far as I know, have no grievances. So long as the number of the Indian population does not exceed its present small proportion to the number of the European population, I imagine that the Government of the Colony will not think it necessary to seek to have that restriction upon the powers of the legislature removed.

5. The question of immigration of Indians is altogether different. There is no difference of opinion among the European population of the Colony and among those of the natives who are qualified to form an opinion on the subject, that in the interest of the Europeans and natives alike the immigration of Indians into the Colony should be restricted.

6. I suggest, therefore, that it is desirable that the Government avail itself of the right, conceded by the Imperial Conference of 1921, of exercising control over the composition of the population of the Colony by imposing restrictions on immigration from India. That right is now, I understand, exercised by all the Dominions; and at the Imperial Conference of 1923 the Secretary of State for India (Lord Peel) stated that the Government of India and Indian opinion did not question it.

7. An announcement by the Government of Southern Rhodesia that it intended to exercise that right should therefore create no difficulty for His Majesty's Government. The position of Southern Rhodesia in this matter has in fact been made easier by the firm and consistent attitude maintained by the Government of the Union in regard to Indian immigration.

8. The Government of Southern Rhodesia would, in my opinion, be in an unassailable position if they decided to exercise the right of excluding Indians, and to adopt in regard to immigration the procedure actually in force in the Union. That course would have the secondary advantage of constituting a neighbourly and friendly action towards the Union, which would, I believe, be appreciated.

9. The course proposed above would, I submit, be more satisfactory than the alternative of issuing departmental instructions to Immigration Officers to reserve the case of each individual Asiatic immigrant for consideration by the Governor-in-Council. Such a procedure would serve only to postpone and not to evade the issue with the Government of India; for aggrieved Indians would appeal for redress to the Government of India, and the Government of Southern Rhodesia would not be in a strong or dignified position if they had to admit that they sought to effect the total exclusion of Indians by the universal application of the existing regulation to all Indians irrespective of their individual merits.

20th March, 1924.

J. R. CHANCELLOR.

24159

No. 140.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 3.15 p.m., 6th June, 1924.)

TELEGRAM.

(Secret.)

Your despatch 23rd April, Confidential.* In connexion with proposed general exclusion of Asiatics by issue of order declaring them undesirable inhabitants, your Ministers should know that Japanese Minister for Foreign Affairs in recent conversation with British Ambassador, Tokio, on subject of provisions in United States legislation for exclusion of Japanese, explained that broadly speaking position of Japanese was as follows:—

(1) Japanese while recognizing that it might be necessary to limit foreign immigration thought that it ought to be limited by mutual agreement and not by legislation.

(2) Japanese objected to any rules about immigration which single them out as inferior to Europeans or which class them with other Asiatics as undesirable aliens.

* No. 139.

British Ambassador gathered that should any British overseas Government contemplate measures for restricting Japanese immigration, Japanese Government would be very ready to fall in with their views as to numerical limits provided that procedure followed was for example on lines of that recently adopted by Canadian Government for limitation of Japanese immigration; procedure similar to that adopted by United States would in his opinion seriously affect relations of British Empire with Japan.

Despatch follows by mail.*

24159

No. 141.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 143.]

(Confidential.)

Downing Street, 19th June, 1924.

SIR,

I AM directed by Mr. Secretary Thomas to request you to lay before the Secretary of State for India the following extract from a Confidential despatch from the Governor of Southern Rhodesia, dated the 23rd April, relative to a proposal to deal with Asiatic immigration into the Colony by the issue of a Statutory Order corresponding to that issued by the Government of the Union of South Africa under Section 4 (1) of the Union Act 22 of 1913.

The immigration of Asiatics into . . . [See No. 139.] . . . into the Colony.*

A copy of the memorandum referred to† is enclosed.

2. Mr. Thomas is drawing the attention of the Governor to the Resolution of the Imperial War Conference of 1918 regarding the admission of Indians desiring to visit other parts of the Empire for the purpose of pleasure or commerce, including temporary residence for the purpose of education.

3. A copy of a separate despatch‡ which has been sent to the Governor relative to the issue of passports to Indians wishing to proceed to the Dominions is enclosed. In this connexion reference is invited to the correspondence ending with Colonial Office letter of the 13th June.§

4. I am to take this opportunity of forwarding, for perusal and return, a copy of the *Rhodesia Herald* (weekly edition) of the 16th May, on page 29 of which will be found a report of the recent visit of Mrs. Naidoo to the Colony.

I am, &c.,

C. T. DAVIS.

24159

No. 142.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Secret.)

Downing Street, 19th June, 1924.

SIR,

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 23rd April|| regarding the immigration of Indians into Southern Rhodesia.

2. As the proposal referred to in paragraph 6 of your despatch would apply to all Asiatics, I thought it well to communicate to you in my Secret telegram of the 6th June,¶ for the information of your Ministers, certain observations on the subject of Japanese immigration into British Oversea Dominions made by the Japanese Minister for Foreign Affairs in a recent conversation with His Majesty's Ambassador at Tokio in connexion with the legislation excluding Japanese from the United States, respecting which I have recently sent you various despatches.

3. In explanation of the Japanese Minister's allusion in the course of the conversation to the procedure followed by the Canadian Government, I enclose, for the confidential information of your Ministers, an extract from a Secret Memorandum** on the Anglo-Japanese Commercial Treaty of 1911 communicated by the Canadian Government to His Majesty's Government in 1913, which gives an account of the arrangement made in 1908. The arrangement is mentioned in No. 3 of the Conditions (printed on page 136 of Treaty Series No. 9 of 1913 (Cd. 6808)) on which Canada adhered to the Treaty, in the following terms:—

* No. 142. † Enclosure in No. 139. ‡ 20810: not printed: forwarded copy of No. 17.

§ 1725: not printed: forwarded copies of Nos. 17, 18 and 19. || No. 139. ¶ No. 140.

** Enclosure 5 in No. 46 in Dominions No. 80.

"It is understood that the Imperial Japanese Government are fully prepared to maintain, and intend to maintain, with equal effectiveness, the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada."

As a result of recent negotiations between the Canadian Government and the Japanese Consul-General in Canada, the Japanese Government have agreed to restrict the number of passports issued to domestic servants and agricultural labourers proceeding to Canada to 150 a year.

4. I enclose also a copy of a note* from the Japanese Ambassador regarding the revision of the Anglo-Japanese Commercial Treaty of 1911, which intimates that the Japanese Government are prepared to enter into an understanding with certain of the other Dominions on the subject of the restriction of immigration similar to the existing arrangements between Japan and Canada. This note has been communicated to the Governments of the Dominions concerned, but no replies have yet been received.

5. The legislation enacted in Canada to restrict the entry of Asiatic immigrants is contained in an Order in Council of the 31st January, 1923 (P.C. 182) which appears on pages 46 and 47 of the enclosed print. For the definition of the term "immigrant" reference is invited to Section 2(g) of the Immigration Act (see page 9 of the print). It will be observed that the Order in Council exempts nationals of any country in regard to which there exists any special Treaty or Convention or Agreement respecting immigration.

6. As regards Indians, I may observe, with reference to paragraph 7 of your despatch, that although the Government of the Union of South Africa have dealt with the question in the manner indicated, the records show that His Majesty's Government at the time would have much preferred, as an alternative method of carrying such a policy into effect, the issue of confidential departmental instructions, so as to avoid the appearance of racial discrimination.

7. I note that no mention is made in your despatch of the Resolution of the Imperial War Conference of 1918 regarding the admission of Indians desiring to visit other parts of the Empire for the purpose of pleasure or commerce, including temporary residence (see paragraph 2 of Resolution on page 195 (Cmd. 9177).) A copy of the Resolution is enclosed for convenience of reference.

8. I am forwarding separately, for the consideration of your Ministers, a copy of a despatch† which has recently been sent to the Dominion Governments relative to the issue of passports to Indians wishing to proceed to the Dominions.

I have, &c.,

J. H. THOMAS.

37627

No. 143.

INDIA OFFICE to COLONIAL OFFICE.

(Received 8th August, 1924.)

[Answered by Nos. 145 and 147.]

SIR, India Office, Whitehall, London, S.W.1, 7th August, 1924.

I AM directed by Lord Olivier to refer to your Confidential letter, dated 19th June, 1924,‡ relative to a proposal to deal with Asiatic immigration into Southern Rhodesia by the issue of a statutory order corresponding to that issued by the Government of the Union of South Africa under Section 4(1) of the Union Act, 22 of 1913.

2. A telegram in regard to this proposal has been received from the Government of India, to whom copy of your letter was transmitted. The Government of India suggest that it would be unfortunate if anything were to be done to impair the good impression created in India by the satisfactory treatment so far accorded to Indians in Southern Rhodesia; they point out that an order of the character proposed would have the effect of excluding all Indians, and state that this would give rise to public resentment in India where it would cause a widespread popular misgiving as to the future status of Indians in that Colony. The Government of India suggest that, short of the issue of a general declaration applying to all

* Enclosure in No. 14927 in Dominions No. 98. † No. 17. ‡ No. 141.

Asiatics under Section 2(1) of Ordinance No. 7 of 1914, the judicious exercise of the powers conferred by that sub-section and Section 2(2) in regard to particular persons and limited classes of persons might prove adequate for dealing with any situation that is likely to arise.

3. Lord Olivier would suggest for Mr. Secretary Thomas's consideration that if he sees no objection a communication might be addressed to the Government of Southern Rhodesia representing the Government of India's views as set out above.

I am, &c.,

E. J. TURNER.

37627

No. 144.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 12.5 p.m., 14th August, 1924.)

TELEGRAM.

[Answered by No. 146.]

SECRET. My Secret despatch of 19th June,* paragraph 6, Indian immigration. Paragraphs 2, 3 and 4 of your Confidential despatch of 23rd April† were communicated to Secretary of State for India and by him to Government of India. Government of India suggest that it would be unfortunate if anything were done to impair good impression created in India by satisfactory treatment so far accorded Indians in Southern Rhodesia. They observe that order of character proposed would have effect of excluding all Indians, and this would give rise to public resentment in India where it would cause widespread popular misgiving as to future status of Indians in Southern Rhodesia. Government of India suggest that short of issue of general declaration applying to all Asiatics under Section 2(1), Ordinance 7 of 1914, judicious exercise of powers conferred by that sub-section and Section 2(2) in regard to particular persons and limited classes of persons might prove adequate for dealing with any situation likely to arise.

37627

No. 145.

COLONIAL OFFICE to INDIA OFFICE.

(Confidential.)

SIR,

Downing Street, 15th August, 1924.

I AM directed to acknowledge the receipt of your letter of the 7th August,‡ relative to a proposal of the Government of Southern Rhodesia to deal with Asiatic immigration into the Colony by the issue of a Statutory Order corresponding to that issued by the Government of the Union of South Africa under Section 4(1) (a) of the Union Act, 22 of 1913, and to request you to inform the Secretary of State for India that the observations of the Government of India, as set out in paragraph 2 of your letter, are being communicated by telegraph to the Governor of Southern Rhodesia.

I am, &c.,

C. T. DAVIS.

52899

No. 146.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11th November, 1924.)

(Secret.)

SIR,

Governor's Office, Salisbury (Rhodesia), 18th October, 1924.

I HAVE the honour to inform you that I communicated the contents of your Secret telegram of 14th August§ regarding the immigration of Indians into Southern Rhodesia to my Ministers; and I enclose a copy of a Minute dated 15th September, which they addressed to me in reply thereto.

2. I am still awaiting the comments of my Ministers on your Secret despatch of 19th June, 1924.*

I have, &c.,

J. R. CHANCELLOR,

Governor.